

 [118H2580]

(Original Signature of Member)

119TH CONGRESS  
1ST SESSION

**H. R.** \_\_\_\_\_

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

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IN THE HOUSE OF REPRESENTATIVES

Mr. BIGGS introduced the following bill; which was referred to the Committee  
on \_\_\_\_\_

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**A BILL**

To amend 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. SHORT TITLE.**

4 This Act may be cited as the “Ensuring United Fam-  
5 ilies at the Border Act”.

1 **SEC. 2. CLARIFICATION OF STANDARDS FOR FAMILY DE-**  
2 **TENTION.**

3 (a) **IN GENERAL.**—Section 235 of the William Wil-  
4 berforce Trafficking Victims Protection Reauthorization  
5 Act of 2008 (8 U.S.C. 1232) is amended by adding at  
6 the end the following:

7 “(j) **CONSTRUCTION.**—

8 “(1) **IN GENERAL.**—Notwithstanding any other  
9 provision of law, judicial determination, consent de-  
10 cree, or settlement agreement, the detention of any  
11 alien child who is not an unaccompanied alien child  
12 shall be governed by sections 217, 235, 236, and  
13 241 of the Immigration and Nationality Act (8  
14 U.S.C. 1187, 1225, 1226, and 1231). There is no  
15 presumption that an alien child who is not an unac-  
16 companied alien child should not be detained.

17 “(2) **FAMILY DETENTION.**—The Secretary of  
18 Homeland Security shall—

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

23 “(i) is charged only with a mis-  
24 demeanor offense under section 275(a) of  
25 the Immigration and Nationality Act (8  
26 U.S.C. 1325(a)); and

1                   “(ii) entered the United States with  
2                   the alien’s child who has not attained 18  
3                   years of age; and

4                   “(B) detain the alien with the alien’s  
5                   child.”.

6           (b) SENSE OF CONGRESS.—It is the sense of Con-  
7           gress that the amendments in this section to section 235  
8           of the William Wilberforce Trafficking Victims Protection  
9           Reauthorization Act of 2008 (8 U.S.C. 1232) are intended  
10          to satisfy the requirements of the Settlement Agreement  
11          in *Flores v. Meese*, No. 85–4544 (C.D. Cal) as approved  
12          by the court on January 28, 1997, with respect to its in-  
13          terpretation in *Flores v. Johnson*, 212 F. Supp. 3d 864  
14          (C.D. Cal. 2015), that the agreement applies to accom-  
15          panied minors.

16          (c) EFFECTIVE DATE.—The amendment made by  
17          subsection (a) shall take effect on the date of the enact-  
18          ment of this Act and shall apply to all actions that occur  
19          before, on, or after the date of the enactment of this Act.

20          (d) PREEMPTION OF STATE LICENSING REQUIRE-  
21          MENTS.—Notwithstanding any other provision of law, ju-  
22          dicial determination, consent decree, or settlement agree-  
23          ment, no State may require that an immigration detention  
24          facility used to detain children who have not attained 18  
25          years of age, or families consisting of one or more of such

1 children and the parents or legal guardians of such chil-  
2 dren, that is located in that State, be licensed by the State  
3 or any political subdivision thereof.