

118TH CONGRESS
1ST SESSION

H. R. 2580

To amend 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

APRIL 13, 2023

Mr. BIGGS (for himself, Mr. GAETZ, Mr. GOSAR, Mr. FRY, Mr. GOOD of Virginia, Mr. ROY, Mr. CRANE, Mr. NEHLS, and Mrs. BOEBERT) introduced the following bill; which was referred to the Committee on the Judiciary

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”.

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

8 (a) IN GENERAL.—Section 235 of the William Wil-
9 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 is no
11 presumption that an alien child who is not an unac-
12 companied alien child should not be detained.

13 “(2) FAMILY DETENTION.—The Secretary of
14 Homeland Security shall—

15 “(A) maintain the care and custody of an
16 alien, during the period during which the
17 charges described in clause (i) are pending,
18 who—

19 “(i) is charged only with a mis-
20 demeanor offense under section 275(a) of
21 the Immigration and Nationality Act (8
22 U.S.C. 1325(a)); and

23 “(ii) entered the United States with
24 the alien’s child who has not attained 18
25 years of age; and

1 “(B) detain the alien with the alien’s
2 child.”.

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

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

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

- 1 dren, that is located in that State, be licensed by the State
- 2 or any political subdivision thereof.

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