

**AMENDMENT TO LABOR/HHS/EDUCATION  
APPROPRIATIONS BILL  
OFFERED BY MR. COLE OF OKLAHOMA**

At the end of the bill (before the spending reduction account), insert the following:

1       SEC. \_\_\_\_\_. (a) IN GENERAL.—Section 235 of the  
2 William Wilberforce Trafficking Victims Protection Reau-  
3 thorization Act of 2008 (8 U.S.C. 1232) is amended by  
4 adding at the end the following:

5       “(j) CONSTRUCTION.—

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

17               “(2) RELEASE OF MINORS OTHER THAN UNAC-  
18 COMPANIED ALIENS.—In no circumstances shall an

1 alien minor who is not an unaccompanied alien child  
2 be released by the Secretary of Homeland Security  
3 other than to a parent or legal guardian.

4 “(3) FAMILY DETENTION.—The Secretary of  
5 Homeland Security shall—

6 “(A) maintain the care and custody of an  
7 alien, during the period during which the  
8 charges described in clause (i) are pending,  
9 who—

10 “(i) is charged only with a mis-  
11 demeanor offense under section 275(a) of  
12 the Immigration and Nationality Act (8  
13 U.S.C. 1325(a)); and

14 “(ii) entered the United States with  
15 the alien’s child who has not attained 18  
16 years of age; and

17 “(B) detain the alien with the alien’s  
18 child.”.

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

23 (c) PREEMPTION OF STATE LICENSING REQUIRE-  
24 MENTS.—Notwithstanding any other provision of law, ju-  
25 dicial determination, consent decree, or settlement agree-

1 ment, no State may require that an immigration detention  
2 facility used to detain children who have not attained 18  
3 years of age, or families consisting of one or more of such  
4 children and the parents or legal guardians of such chil-  
5 dren, that is located in that State, be licensed by the State  
6 or any political subdivision thereof.

