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:

Sec. ____. (a) IN GENERAL.—Section 235 of the William Wilberforce Trafficking Victims Protection Reau-
uthorization Act of 2008 (8 U.S.C. 1232) is amended by adding at the end the following:

“(j) Construction.—

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

“(2) Release of minors other than unac-
compained aliens.—In no circumstances shall an
an alien minor who is not an unaccompanied alien child
be released by the Secretary of Homeland Security
other than to a parent or legal guardian.

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

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

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

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

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

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

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