

115TH CONGRESS
2D SESSION

H. R. 6182

To amend the Immigration and Nationality Act to codify President Trump’s “Affording Congress an Opportunity to Address Family Separation Executive Order”, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 21, 2018

Mr. DUNCAN of South Carolina introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Armed Services, 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 the Immigration and Nationality Act to codify President Trump’s “Affording Congress an Opportunity to Address Family Separation Executive Order”, 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 “Codifying President
5 Trump’s Affording Congress an Opportunity to Address
6 Family Separation Executive Order Act”.

1 **SEC. 2. KEEPING ILLEGAL ALIEN FAMILIES TOGETHER**
2 **WHILE DETAINED.**

3 At the end of the Immigration and Nationality Act
4 (8 U.S.C. 1182), insert the following:

5 **“SEC. 601. FINDINGS.**

6 “Congress finds it to be the policy of the United
7 States to rigorously enforce our immigration laws. Under
8 our laws, the only legal way for an alien to enter this coun-
9 try is at a designated port of entry at an appropriate time.
10 When an alien enters or attempts to enter the country
11 anywhere else, that alien has committed at least the crime
12 of improper entry and is subject to a fine or imprisonment
13 under section 1325(a) of title 8, United States Code. This
14 Administration will initiate proceedings to enforce this and
15 other criminal provisions of the INA until and unless Con-
16 gress directs otherwise. It is also the policy of this Admin-
17 istration to maintain family unity, including by detaining
18 alien families together where appropriate and consistent
19 with law and available resources. It is unfortunate that
20 Congress’s failure to act and court orders have put the
21 Administration in the position of separating alien families
22 to effectively enforce the law.

23 **“SEC. 602. DEFINITIONS.**

24 “For purposes of this Act, the following definitions
25 apply:

26 “(a) ‘Alien family’ means—

1 “(1) any person not a citizen or national of the
2 United States who has not been admitted into, or is
3 not authorized to enter or remain in, the United
4 States, who entered this country with an alien child
5 or alien children at or between designated ports of
6 entry and who was detained; and

7 “(2) that person’s alien child or alien children.

8 “(b) ‘Alien child’ means any person not a citizen or
9 national of the United States who—

10 “(1) has not been admitted into, or is not au-
11 thorized to enter or remain in, the United States;

12 “(2) is under the age of 18; and

13 “(3) has a legal parent-child relationship to an
14 alien who entered the United States with the alien
15 child at or between designated ports of entry and
16 who was detained.

17 **“SEC. 603. TEMPORARY DETENTION POLICY FOR FAMILIES**
18 **ENTERING THIS COUNTRY ILLEGALLY.**

19 “(a) The Secretary of Homeland Security (Sec-
20 retary), shall, to the extent permitted by law and subject
21 to the availability of appropriations, maintain custody of
22 alien families during the pendency of any criminal im-
23 proper entry or immigration proceedings involving their
24 members.

1 “(b) The Secretary shall not, however, detain an alien
2 family together when there is a concern that detention of
3 an alien child with the child’s alien parent would pose a
4 risk to the child’s welfare.

5 “(c) The Secretary of Defense shall take all legally
6 available measures to provide to the Secretary, upon re-
7 quest, any existing facilities available for the housing and
8 care of alien families, and shall construct such facilities
9 if necessary and consistent with law. The Secretary, to the
10 extent permitted by law, shall be responsible for reim-
11 bursement for the use of these facilities.

12 “(d) Heads of executive departments and agencies
13 shall, to the extent consistent with law, make available to
14 the Secretary, for the housing and care of alien families
15 pending court proceedings for improper entry, any facili-
16 ties that are appropriate for such purposes. The Secretary,
17 to the extent permitted by law, shall be responsible for
18 reimbursement for the use of these facilities.

19 “(e) The Attorney General shall promptly file a re-
20 quest with the U.S. District Court for the Central District
21 of California to modify the Settlement Agreement in Flo-
22 res v. Sessions, CV 85–4544 (‘Flores settlement’), in a
23 manner that would permit the Secretary, under present
24 resource constraints, to detain alien families together
25 throughout the pendency of criminal proceedings for im-

1 proper entry or any removal or other immigration pro-
2 ceedings.

3 **“SEC. 604. PRIORITIZATION OF IMMIGRATION PROCEED-**
4 **INGS INVOLVING ALIEN FAMILIES.**

5 “The Attorney General shall, to the extent prac-
6 ticable, prioritize the adjudication of cases involving de-
7 tained families.

8 **“SEC. 605. GENERAL PROVISIONS.**

9 “(a) Nothing in this bill shall be construed to impair
10 or otherwise affect—

11 “(1) the authority granted by law to an execu-
12 tive department or agency, or the head thereof; or

13 “(2) the functions of the Director of the Office
14 of Management and Budget relating to budgetary,
15 administrative, or legislative proposals.”.

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