

[DISCUSSION DRAFT]

114TH CONGRESS
2^D SESSION

H. R. _____

To prohibit any entity that receives Federal funds and does not comply with a lawful request for information or detainment of an alien made by any officer or employee of the Federal government who is charged with enforcement of the immigration laws from receiving additional funding.

IN THE HOUSE OF REPRESENTATIVES

Mr. HARRIS introduced the following bill; which was referred to the Committee
on _____

A BILL

To prohibit any entity that receives Federal funds and does not comply with a lawful request for information or detainment of an alien made by any officer or employee of the Federal government who is charged with enforcement of the immigration laws from receiving additional funding.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Federal Immigration
3 Law Compliance Act of 2016” or as the “FILCA of
4 2016”.

5 **SEC. 2. PROHIBITION ON RECEIPT OF FUNDS.**

6 An entity (including any university or institute of
7 higher learning, State, political subdivision of a State, or
8 other person) that receives Federal funds in a fiscal year
9 and that fails to comply with a lawful request for informa-
10 tion or detainment of an alien made by any officer or em-
11 ployee of the Federal government who is charged with en-
12 forcement of the immigration laws, may not receive addi-
13 tional Federal funds in that fiscal year or the succeeding
14 fiscal year. Any unobligated Federal funds made available
15 to a non-compliant entity are rescinded.

16 **SEC. 3. ENSURING THAT LOCAL AND FEDERAL LAW EN-
17 FORCEMENT OFFICERS MAY COOPERATE TO
18 SAFEGUARD OUR COMMUNITIES.**

19 (a) **AUTHORITY TO COOPERATE WITH FEDERAL OF-
20 FICIALS.**—A State, a political subdivision of a State, or
21 an officer, employee, or agent of such State or political
22 subdivision that complies with a detainer issued by the De-
23 partment of Homeland Security under section 236 or 287
24 of the Immigration and Nationality Act (8 U.S.C. 1226
25 and 1357)—

1 (1) shall be deemed to be acting as an agent of
2 the Department of Homeland Security; and

3 (2) with regard to actions taken to comply with
4 the detainer, shall have all authority available to of-
5 ficers and employees of the Department of Home-
6 land Security.

7 (b) LEGAL PROCEEDINGS.—In any legal proceeding
8 brought against a State, a political subdivision of a State,
9 or an officer, employee, or agent of such State or political
10 subdivision, which challenges the legality of the seizure or
11 detention of an individual pursuant to a detainer issued
12 by the Department of Homeland Security under section
13 236 or 287 of the Immigration and Nationality Act (8
14 U.S.C. 1226 and 1357)—

15 (1) no liability shall lie against the State or po-
16 litical subdivision of a State for actions taken in
17 compliance with the detainer; and

18 (2) if the actions of the officer, employee, or
19 agent of the State or political subdivision were taken
20 in compliance with the detainer—

21 (A) the officer, employee, or agent shall be
22 deemed—

23 (i) to be an employee of the Federal
24 Government and an investigative or law
25 enforcement officer; and

1 (ii) to have been acting within the
2 scope of his or her employment under sec-
3 tion 1346(b) and chapter 171 of title 28,
4 United States Code;

5 (B) section 1346(b) of title 28, United
6 States Code, shall provide the exclusive remedy
7 for the plaintiff; and

8 (C) the United States shall be substituted
9 as defendant in the proceeding.

10 (c) **RULE OF CONSTRUCTION.**—Nothing in this sec-
11 tion may be construed to provide immunity to any person
12 who knowingly violates the civil or constitutional rights of
13 an individual.

14 **SEC. 4. AUTHORIZATION TO ISSUE DETAINERS.**

15 In the case of an alien who is in the custody of a
16 Federal, State, or local law enforcement official, the Sec-
17 retary of Homeland Security may issue a detainer for that
18 alien requesting that the law enforcement official provide
19 all relevant information collected pertaining to the alien
20 and notification of any future release of the alien, or that
21 the law enforcement official continue to detain the alien
22 until the Secretary may take custody of the alien. The Sec-
23 retary of Homeland Security is authorized to request from
24 any entity that receives Federal funds in a fiscal year, for
25 purposes of enforcing the immigration laws, pertinent in-

- 1 formation that pertains to an alien and that is not other-
- 2 wise precluded by law from being disclosed.