[DISCUSSION DRAFT]

114TH CONGRESS  
2D 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,
SECTION 1. SHORT TITLE.

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

SEC. 2. PROHIBITION ON RECEIPT OF FUNDS.

An entity (including any university or institute of higher learning, State, political subdivision of a State, or other person) that receives Federal funds in a fiscal year and that fails to comply with a lawful request for information or detention of an alien made by any officer or employee of the Federal government who is charged with enforcement of the immigration laws, may not receive additional Federal funds in that fiscal year or the succeeding fiscal year. Any unobligated Federal funds made available to a non-compliant entity are rescinded.

SEC. 3. ENSURING THAT LOCAL AND FEDERAL LAW ENFORCEMENT OFFICERS MAY COOPERATE TO SAFEGUARD OUR COMMUNITIES.

(a) Authority to Cooperate With Federal Officials.—A State, a political subdivision of a State, or an officer, employee, or agent of such State or political subdivision that complies with a detainer issued by the Department of Homeland Security under section 236 or 287 of the Immigration and Nationality Act (8 U.S.C. 1226 and 1357)—
(1) shall be deemed to be acting as an agent of
the Department of Homeland Security; and

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

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

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

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

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

(i) to be an employee of the Federal
Government and an investigative or law
enforcement officer; and
(ii) to have been acting within the scope of his or her employment under section 1346(b) and chapter 171 of title 28, United States Code;

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

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

(c) Rule of Construction.—Nothing in this section may be construed to provide immunity to any person who knowingly violates the civil or constitutional rights of an individual.

SEC. 4. AUTHORIZATION TO ISSUE DETAINERS.

In the case of an alien who is in the custody of a Federal, State, or local law enforcement official, the Secretary of Homeland Security may issue a detainer for that alien requesting that the law enforcement official provide all relevant information collected pertaining to the alien and notification of any future release of the alien, or that the law enforcement official continue to detain the alien until the Secretary may take custody of the alien. The Secretary of Homeland Security is authorized to request from any entity that receives Federal funds in a fiscal year, for purposes of enforcing the immigration laws, pertinent in-
formation that pertains to an alien and that is not otherwise precluded by law from being disclosed.