

114TH CONGRESS  
2D SESSION

# H. R. 6468

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.

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## IN THE HOUSE OF REPRESENTATIVES

DECEMBER 7, 2016

Mr. HARRIS (for himself, Mr. PERRY, Mr. DAVIDSON, Mr. GOSAR, Mr. BRAT, Mr. WILSON of South Carolina, Mr. WEBSTER of Florida, Mr. BABIN, Mr. GOHMERT, Mr. FRANKS of Arizona, Mr. YOHO, Mr. LAMALFA, Mr. KING of Iowa, Mr. ROE of Tennessee, Mr. COLLINS of New York, Mr. SMITH of Texas, Mr. DUNCAN of South Carolina, Mr. JODY B. HICE of Georgia, Mr. SMITH of Missouri, Mr. WALKER, Mr. CHABOT, Mr. PITTS, Mr. LAMBORN, Mr. SANFORD, Mr. CONAWAY, Mrs. HARTZLER, Mr. ALLEN, Mr. KELLY of Mississippi, Mr. WEBER of Texas, Mr. WENSTRUP, Mr. LAHOOD, Mr. PALMER, Mr. GROTHMAN, and Mr. POSEY) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committees on Oversight and Government Reform, and Appropriations, 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

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## 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Federal Immigration  
5 Law Compliance Act of 2016” or as the “FILCA of  
6 2016”.

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

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17 to a non-compliant entity are rescinded.

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

21 (a) **AUTHORITY TO COOPERATE WITH FEDERAL OF-**  
22 **FICIALS.**—A State, a political subdivision of a State, or  
23 an officer, employee, or agent of such State or political  
24 subdivision that complies with a detainer issued by the De-  
25 partment of Homeland Security under section 236 or 287

1 of the Immigration and Nationality Act (8 U.S.C. 1226  
2 and 1357)—

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

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

9 (b) LEGAL PROCEEDINGS.—In any legal proceeding  
10 brought against a State, a political subdivision of a State,  
11 or an officer, employee, or agent of such State or political  
12 subdivision, which challenges the legality of the seizure or  
13 detention of an individual pursuant to a detainer issued  
14 by the Department of Homeland Security under section  
15 236 or 287 of the Immigration and Nationality Act (8  
16 U.S.C. 1226 and 1357)—

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

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

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

1 (i) to be an employee of the Federal  
2 Government and an investigative or law  
3 enforcement officer; and

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

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

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

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

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

18 In the case of an alien who is in the custody of a  
19 Federal, State, or local law enforcement official, the Sec-  
20 retary of Homeland Security may issue a detainer for that  
21 alien requesting that the law enforcement official provide  
22 all relevant information collected pertaining to the alien  
23 and notification of any future release of the alien, or that  
24 the law enforcement official continue to detain the alien  
25 until the Secretary may take custody of the alien. The Sec-

1   retary of Homeland Security is authorized to request from  
2   any entity that receives Federal funds in a fiscal year, for  
3   purposes of enforcing the immigration laws, pertinent in-  
4   formation that pertains to an alien and that is not other-  
5   wise precluded by law from being disclosed.

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