

115TH CONGRESS
1ST SESSION

H. R. 1342

To prohibit any institution of higher education that receives a Federal research and development grant 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 indirect cost reimbursement funding, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 2, 2017

Mr. HARRIS (for himself, Mr. ABRAHAM, Mr. ADERHOLT, Mr. BABIN, Mr. BERGMAN, Mr. BIGGS, Mr. CONAWAY, Mr. DESJARLAIS, Mr. DUNCAN of South Carolina, Mr. FRANKS of Arizona, Mr. GIBBS, Mr. GOHMERT, Mr. GOSAR, Mr. GROTHMAN, Mr. JODY B. HICE of Georgia, Mr. JONES, Mr. KELLY of Mississippi, Mr. KING of Iowa, Mr. LAMALFA, Mr. PITTFENGER, Mr. RICE of South Carolina, Mr. ROKITA, Mr. SANFORD, Mr. SMITH of Texas, Mr. WILSON of South Carolina, Mr. YOHO, and Mr. LAMBORN) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Science, Space, and Technology, 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 prohibit any institution of higher education that receives a Federal research and development grant 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 indirect cost reimbursement funding, 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 “Federal Immigration
5 Law Campus Compliance Act of 2017” or as the
6 “FILCCA of 2017”.

7 **SEC. 2. PROHIBITION ON RECEIPT OF FUNDS FOR INDI-**
8 **RECT COSTS.**

9 An institution of higher education (as defined in sec-
10 tion 101(a) of the Higher Education Act of 1965 (20
11 U.S.C. 1001(a))) may not receive Federal funds for reim-
12 bursement of indirect costs under a research and develop-
13 ment grant provided by a Federal agency with respect to
14 any period during which the institution of higher edu-
15 cation has failed to comply with a lawful request for infor-
16 mation about or detainer pertaining to an alien made by
17 any officer or employee of the Federal Government who
18 is charged with enforcement of the immigration laws.

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

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

1 partment of Homeland Security under section 236 or 287
2 of the Immigration and Nationality Act (8 U.S.C. 1226
3 and 1357)—

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

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

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

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

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

24 (A) the officer, employee, or agent shall be
25 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.

○