

AMENDMENT TO H.R. 6136
OFFERED BY MR. ROKITA OF INDIANA

At the end of title III of division B, add the following:

1 **SEC. 3112. CERTAIN OBSTRUCTIONS OF ENFORCEMENT OF**
2 **IMMIGRATION LAWS.**

3 (a) OFFENSE.—Chapter 73 of title 18, United States
4 Code, is amended by adding at the end the following;

5 **“§ 1522. Certain obstructions of enforcement of immi-**
6 **gration laws**

7 “Whoever, being a State or local official having cus-
8 tody of an individual, knowingly releases an alien subject
9 to a detainer issued pursuant to section 287(d)(1) of the
10 Immigration and Nationality Act (8 U.S.C. 1357(d)(1)),
11 shall be fined under this title or imprisoned not more than
12 five years, or both”.

13 (b) CLERICAL AMENDMENT.—The table of sections
14 at the beginning of chapter 73 is amended by adding at
15 the end the following:

“1522. Certain obstructions of enforcement of immigration laws.”.

1 **SEC. 3113. ENSURING THAT LOCAL AND FEDERAL LAW EN-**
2 **FORCEMENT OFFICERS MAY COOPERATE TO**
3 **SAFEGUARD OUR COMMUNITIES.**

4 (a) **AUTHORITY TO COOPERATE WITH FEDERAL OF-**
5 **FICIALS.**—A State, a political subdivision of a State, or
6 an officer, employee, or agent of such State or political
7 subdivision that complies with a detainer issued by the De-
8 partment of Homeland Security under section 236 or 287
9 of the Immigration and Nationality Act (8 U.S.C. 1226
10 and 1357)—

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

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

17 (b) **LEGAL PROCEEDINGS.**—In any legal proceeding
18 brought against a State, a political subdivision of a State,
19 or an officer, employee, or agent of such State or political
20 subdivision, which challenges the legality of the seizure or
21 detention of an individual pursuant to a detainer issued
22 by the Department of Homeland Security under section
23 236 or 287 of the Immigration and Nationality Act (8
24 U.S.C. 1226 and 1357)—

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

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

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

9 (i) to be an employee of the Federal
10 Government and an investigative or law
11 enforcement officer; and

12 (ii) to have been acting within the
13 scope of his or her employment under sec-
14 tion 1346(b) and chapter 171 of title 28,
15 United States Code;

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

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

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

