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

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

SEC. 3112. CERTAIN OBSTRUCTIONS OF ENFORCEMENT OF IMMIGRATION LAWS.

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

“§ 1522. Certain obstructions of enforcement of immigration laws

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

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

“1522. Certain obstructions of enforcement of immigration laws.”.
SEC. 3113. 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 officers and employees of the Department of Homeland 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 political 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.