

115TH CONGRESS
2D SESSION

H. R. 5663

To cut federal funding of Sanctuary Cities and use those funds for building a wall on the border with Mexico, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 27, 2018

Mr. PITTENGER introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committees on Transportation and Infrastructure, Financial Services, and Homeland Security, 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 cut federal funding of Sanctuary Cities and use those funds for building a wall on the border with Mexico, 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 “Make Sanctuary Cities
5 Pay for the Wall Act of 2018”.

6 **SEC. 2. ESTABLISHMENT OF THE WALL ACCOUNT.**

7 (a) ESTABLISHMENT.—The Secretary of Homeland
8 Security shall establish an account within the Department

1 of Homeland Security from which he may expend funds
2 for the planning, design and construction of a border bar-
3 rier between the United States and Mexico.

4 (b) NOT SUBJECT TO LIMITATIONS.—Any amounts
5 appropriated from this fund shall not be subject to the
6 limitations set forth in section 230 of the Consolidated Ap-
7 propriations Act, 2018.

8 **SEC. 3. DEFUNDING OF SANCTUARY JURISDICTIONS.**

9 (a) IN GENERAL.—Amounts appropriated for sanc-
10 tuary cities, localities or States for fiscal year 2018 and
11 all subsequent fiscal years as set forth in subsection (b)
12 shall be withheld and deposited into the account estab-
13 lished in section 2.

14 (b) APPLICATION.—This subsection applies to all
15 amounts made available under—

16 (1) title II of the Public Works and Economic
17 Development Act of 1965; and

18 (2) title I of the Housing and Community De-
19 velopment Act of 1974.

20 (c) CUSTODY OF ALIENS.—

21 (1) TRANSFER OF CUSTODY OF ALIENS PEND-
22 ING REMOVAL PROCEEDINGS.—The Secretary, at the
23 Secretary's discretion, may decline to transfer an
24 alien in the custody of the Department of Homeland
25 Security to a sanctuary jurisdiction, regardless of

1 whether the sanctuary jurisdiction has issued a writ
2 or warrant.

3 (2) TRANSFER OF CUSTODY OF CERTAIN
4 ALIENS PROHIBITED.—The Secretary shall not
5 transfer an alien with a final order of removal pur-
6 suant to paragraph (1)(A) or (5) of section 241(a)
7 of the Immigration and Nationality Act (8 U.S.C.
8 1231(a)) to a sanctuary jurisdiction.

9 (3) ANNUAL DETERMINATION.—The Secretary
10 shall determine for each calendar year which States
11 or political subdivision of States are sanctuary juris-
12 dictions and shall report such determinations to
13 Congress by March 1 of each succeeding calendar
14 year.

15 (4) REPORTS.—The Secretary of Homeland Se-
16 curity shall issue a report concerning a particular
17 sanctuary jurisdiction at the request of the House or
18 the Senate Judiciary Committee. Any sanctuary ju-
19 risdiction shall be ineligible to receive Federal finan-
20 cial assistance as provided in paragraph (1) for a
21 minimum period of 1 year, and shall only become el-
22 igible again after the Secretary of Homeland Secu-
23 rity certifies that the jurisdiction is not a sanctuary
24 jurisdiction.

1 (d) CONSTRUCTION.—Nothing in this section shall
2 require law enforcement officials from States, or from po-
3 litical subdivisions of States, to report or arrest victims
4 or witnesses of a criminal offense.

5 **SEC. 4. DEFINITION.**

6 For purposes of this Act, the term “sanctuary juris-
7 diction” means any State or political subdivision of a State
8 that has in effect a statute, ordinance, policy, or practice
9 that prohibits or restricts any government entity or official
10 from—

11 (1) sending, receiving, maintaining, or exchang-
12 ing with any Federal, State, or local government en-
13 tity information regarding the citizenship or immi-
14 gration status (lawful or unlawful) of any individual;
15 or

16 (2) complying with a request lawfully made by
17 the Department of Homeland Security under section
18 236 or 287 of the Immigration and Nationality Act
19 (8 U.S.C. 1226 and 1357) to comply with a detainer
20 for, or notify about the release of, an individual.

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