

116TH CONGRESS
1ST SESSION

H. R. 3218

To prohibit certain Federal funds from being made available to sanctuary jurisdictions, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 12, 2019

Mr. KING of Iowa introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Oversight and Reform, 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 certain Federal funds from being made available to sanctuary jurisdictions, 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—

5 (1) the “End Sanctuaries and Help Our Amer-
6 ican Homeless and Veterans Act”; or

7 (2) the “Diamond and Silk Act”.

8 **SEC. 2. FINDINGS.**

9 The Congress finds as follows:

1 (1) According to United States law, found at
2 section 274 of the Immigration and Nationality Act
3 (8 U.S.C. 1324), it is illegal to bring or harbor ille-
4 gal immigrants in our Nation.

5 (2) In contravention of this law, cities, counties,
6 parishes, other political subdivisions, and States in
7 our Nation have adopted policies specifically oriented
8 to bring in, harbor, and even attract illegal aliens
9 into their jurisdictions.

10 (3) Although the Federal Government, and spe-
11 cifically the Congress of the United States, is con-
12 stitutionally charged with establishing “an uniform
13 Rule of Naturalization”, in certain cases States and
14 political subdivisions, including cities, have been as-
15 suming the role of immigration authorities, clearly in
16 violation of both the Constitution and Federal stat-
17 ute.

18 (4) Historically, the Federal Government has
19 proven lackadaisical about enforcing its sole jurisdic-
20 tion in the serious matter of illegal immigration and
21 taking action against those jurisdictions that know-
22 ingly or recklessly disregard the Rule of Law to con-
23 ceal, harbor, attempt to, or actually shield from de-
24 tection, such illegal aliens, or that prohibit their offi-

1 cers from gathering information for, or cooperating
2 with, Federal officials.

3 (5) In these wanton acts, such jurisdictions
4 break the law that its citizens are held to, violate the
5 trust of the taxpayers who are already charged with
6 a \$22 trillion dollar Government debt that grows
7 daily, and—perhaps worst—subject those they
8 should protect and serve to death by deliberate mur-
9 derous acts and traffic accidents by those who
10 should not be in the country at all.

11 (6) In this way, such jurisdictions aid and abet
12 American deaths that are 100 percent preventable.

13 (7) Such tragic, preventable American deaths
14 have been suffered by “Angel Families” who have
15 lost spouses, sons, daughters, grandchildren, par-
16 ents, and grandparents at the hands of illegal aliens.

17 (8) These families are left to suffer deaths that
18 should not have been, according to the law of the
19 land, while too often complicit public officials, cities,
20 States, and the Federal Government are not held ac-
21 countable.

22 (9) Meanwhile, our Nation’s American homeless
23 and veterans are too often left out in the cold, with-
24 out the basic necessities and care that they need and
25 deserve as citizens of this country.

1 (10) Our American homeless and veterans must
2 be prioritized and cared for by law and in fact.

3 (11) Jurisdictions’ responsibilities must be
4 taken seriously, and never aid and abet, violations of
5 immigration law.

6 (12) These are dual injustices that the law, as
7 is, dictates must end.

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

9 (a) DEFINITION.—In this section, the term “sanc-
10 tuary jurisdiction” means a State or any political subdivi-
11 sion of a State that the Attorney General determines has
12 in effect a statute, ordinance, policy, or practice that pro-
13 hibits or in any way restricts, a Federal, State, or local
14 government entity, official, or other personnel from—

15 (1) complying with the immigration laws (as de-
16 fined in section 101(a)(17) of the Immigration and
17 Nationality Act (8 U.S.C. 1101(a)(17))), or from as-
18 sisting or cooperating with Federal law enforcement
19 entities, officials, or other personnel regarding the
20 enforcement of these laws; or

21 (2) undertaking any of the following law en-
22 forcement activities as they relate to information re-
23 garding the citizenship or immigration status, lawful
24 or unlawful, the inadmissibility or deportability, or
25 the custody status, of any individual:

1 (A) Making inquiries to any individual in
2 order to obtain such information regarding such
3 individual or any other individuals.

4 (B) Notifying the Federal Government re-
5 garding the presence of individuals who are en-
6 countered by law enforcement officials or other
7 personnel of a State or political subdivision of
8 a State.

9 (C) Complying with requests for such in-
10 formation from Federal law enforcement enti-
11 ties, officials, or other personnel.

12 (D) Complying with detainers.

13 (b) INELIGIBILITY OF SANCTUARY JURISDICTIONS
14 FOR FEDERAL FUNDS.—

15 (1) STATES.—No sanctuary jurisdiction that is
16 a State may be allocated or receive any Federal fi-
17 nancial assistance (as such term is defined in section
18 7501(a)(5) of title 31, United States Code).

19 (2) POLITICAL SUBDIVISIONS.—No sanctuary
20 jurisdiction that is a political subdivision of a State
21 may be allocated or receive any funds made available
22 to the Attorney General, including those made avail-
23 able from the account “Department of Justice—Of-
24 fice of Justice Programs—State and Local Law En-
25 forcement Assistance”.

1 (3) SOVEREIGN IMMUNITY.—Each State and
2 political subdivision of a State shall, as a condition
3 on receipt of any Federal financial assistance (as
4 such term is defined in section 7501(a)(5) of title
5 31, United States Code), waive the sovereign immu-
6 nity of the State or political subdivision with respect
7 to actions authorized under section 4.

8 (4) REALLOCATION OF FUNDS.—Notwith-
9 standing any other provision of law, any funds not
10 allocated to a sanctuary jurisdiction from the ac-
11 count “Department of Justice—Office of Justice
12 Programs—State and Local Law Enforcement As-
13 sistance” pursuant to this subsection shall be made
14 available for activities carried out under the Justice
15 and Mental Health Collaboration Program of the Of-
16 fice of Justice Programs of the Department of Jus-
17 tice, to reduce homelessness in order to improve out-
18 comes for individuals with mental illnesses or co-oc-
19 ccurring mental health and substance abuse disorders
20 who encounter the justice system, thereby reducing
21 mental health disorders and homelessness among
22 our citizens.

23 **SEC. 4. PRIVATE RIGHT OF ACTION.**

24 (a) CAUSE OF ACTION.—Any individual, or a spouse,
25 parent, or child of that individual (if the individual is de-

1 ceased), who is the victim of a murder, rape, or any felony,
2 as defined by the State, for which an alien (as defined
3 in section 101(a)(3) of the Immigration and Nationality
4 Act (8 U.S.C. 1101(a)(3))) has been convicted and sen-
5 tenced to a term of imprisonment of at least 1 year, may
6 bring an action against a State or political subdivision of
7 a State in the appropriate Federal or State court—

8 (1) if the State or political subdivision released
9 the alien from custody prior to the commission of
10 such crime, and had knowledge that the alien was
11 unlawfully present in the United States; or

12 (2) the crime was a consequence of the State or
13 political subdivision declining to honor a detainer or
14 warrant issued pursuant to section 287(d)(1) of the
15 Immigration and Nationality Act (8 U.S.C.
16 1357(d)(1)).

17 (b) APPLICATION.—Subject to subsection (c), sub-
18 section (a) shall apply without regard to whether the crime
19 was committed before, on, or after the date of the enact-
20 ment of this Act.

21 (c) LIMITATION ON BRINGING ACTION.—

22 (1) IN GENERAL.—An action brought under
23 this section may not be brought later than 10 years
24 following the occurrence of the crime, or death of a

1 person as a result of such crime, whichever occurs
2 later.

3 (2) EXCEPTION.—Paragraph (1) shall not
4 apply to an action brought under this section based
5 on a crime committed before the date of the enact-
6 ment of this Act.

7 (d) ATTORNEY'S FEES AND OTHER COSTS.—In any
8 action or proceeding under this section the court shall
9 allow a prevailing plaintiff a reasonable attorneys' fee as
10 part of the costs, and include expert fees as part of the
11 attorneys' fee.

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