

115TH CONGRESS
2D SESSION

H. R. 4805

To ensure that State and local law enforcement may cooperate with Federal officials to protect our communities from violent criminals and suspected terrorists who are illegally present in the United States, to stop taxpayer dollars from flowing to jurisdictions that fail to comply with Federal law, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 16, 2018

Mr. MESSER introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Oversight and Government 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 ensure that State and local law enforcement may cooperate with Federal officials to protect our communities from violent criminals and suspected terrorists who are illegally present in the United States, to stop taxpayer dollars from flowing to jurisdictions that fail to comply with Federal law, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “No Federal Funding
3 to Benefit Sanctuary Cities Act”.

4 **SEC. 2. PROTECTING LOCAL AND FEDERAL LAW ENFORCE-**
5 **MENT OFFICERS WHO COOPERATE TO SAFE-**
6 **GUARD COMMUNITIES.**

7 (a) **IN GENERAL.**—A State, a political subdivision of
8 a State, or an officer, employee, or agent of such State
9 or political subdivision that takes action to comply with
10 a detainer issued by the Department of Homeland Secu-
11 rity under section 236 or 287 of the Immigration and Na-
12 tionality Act (8 U.S.C. 1226 and 1357)—

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

15 (2) with regard to such actions, shall have all
16 authority available to officers and employees of the
17 Department of Homeland Security.

18 (b) **LEGAL PROCEEDINGS.**—In any legal proceeding
19 brought against a State, a political subdivision of a State,
20 or an officer, employee, or agent of such State or political
21 subdivision, which challenges the legality of the seizure or
22 detention of an individual pursuant to a detainer issued
23 by the Department of Homeland Security under section
24 236 or 287 of the Immigration and Nationality Act (8
25 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.

1 **SEC. 3. SANCTUARY JURISDICTIONS INELIGIBLE FOR FED-**
2 **ERAL FUNDS.**

3 (a) IN GENERAL.—Beginning with fiscal year 2019,
4 a sanctuary jurisdiction is ineligible to receive Federal fi-
5 nancial assistance (as defined in section 7501 of title 31,
6 United States Code).

7 (b) SANCTUARY JURISDICTION DEFINED.—For pur-
8 poses of this section, the term “sanctuary jurisdiction”
9 means any State or political subdivision of a State that
10 has in effect a statute, ordinance, policy, or practice that
11 prohibits or restricts any government entity or official
12 from—

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

18 (2) complying with a request lawfully made by
19 the Department of Homeland Security under section
20 236 or 287 of the Immigration and Nationality Act
21 (8 U.S.C. 1226 and 1357) to comply with a detainer
22 for, or notify about the release of, an individual.

23 (c) RETURNED AMOUNTS.—

24 (1) STATE.—If a State is a sanctuary jurisdic-
25 tion during a period in fiscal year 2019 or thereafter
26 for which it receives Federal financial assistance (as

1 defined in section 7501 of title 31, United States
2 Code) from an Executive agency (as defined in sec-
3 tion 105 of title 5, United States Code), the head of
4 such agency—

5 (A) shall direct the State immediately to
6 return any such amounts that the State re-
7 ceived for that period; and

8 (B) shall reallocate amounts returned
9 under subparagraph (A) to other States that
10 are not sanctuary jurisdictions.

11 (2) UNIT OF GENERAL LOCAL GOVERNMENT.—

12 If a unit of general local government is a sanctuary
13 jurisdiction during a period in fiscal year 2019 or
14 thereafter for which it receives Federal financial as-
15 sistance (as defined in section 7501 of title 31,
16 United States Code) from an Executive agency (as
17 defined in section 105 of title 5, United States
18 Code), any such amounts that the unit of general
19 local government received for that period—

20 (A) in the case of a unit of general local
21 government that is not in a nonentitlement
22 area, shall be returned the head of such agency
23 for reallocation to States and other units of
24 general local government that are not sanctuary
25 jurisdictions; and

1 (B) in the case of a unit of general local
2 government that is in a nonentitlement area,
3 shall be returned to the Governor of the State
4 for reallocation to other units of general local
5 government in the State that are not sanctuary
6 jurisdictions.

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