

116TH CONGRESS
2D SESSION

S. 4085

To make certain States and political subdivisions of States ineligible to receive Federal financial assistance, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 25, 2020

Ms. ERNST (for herself, Mr. COTTON, Mr. McCONNELL, and Mrs. BLACKBURN) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To make certain States and political subdivisions of States ineligible to receive Federal financial assistance, 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 “Ending Taxpayer
5 Funding of Anarchy Act”.

6 **SEC. 2. INELIGIBILITY FOR FEDERAL FUNDS.**

7 (a) DEFINITIONS.—In this section:

8 (1) ANARCHIST JURISDICTION.—The term “an-
9 archist jurisdiction” means a State or political sub-

1 division of a State that has a statute, ordinance, poli-
2 icy, or practice in effect that, despite ongoing danger
3 to individuals or property, allows any entity or offi-
4 cial of the State or political subdivision of the State
5 to purposefully—

6 (A) abdicate the reserved powers of the
7 State or political subdivision of the State, to be
8 performed by non-governmental actors in a
9 manner that is detrimental to the health, safe-
10 ty, and welfare of the citizens of the State, or
11 political subdivision of the State; and

12 (B) refuse to provide police, fire, or emer-
13 gency medical services to 1 or more individuals
14 in the State or political subdivision of the State
15 as a consequence of an abdication described in
16 subparagraph (A).

17 (2) EXECUTIVE AGENCY.—The term “executive
18 agency” has the meaning given the term “Executive
19 agency” in section 105 of title 5, United States
20 Code.

21 (3) FEDERAL FINANCIAL ASSISTANCE.—The
22 term “Federal financial assistance” has the meaning
23 given the term in section 7501 of title 31, United
24 States Code.

1 (4) NON-GOVERNMENTAL ACTOR.—The term
2 “non-governmental actor”—

3 (A) means an individual who—

4 (i) is not an officer, employee, or con-
5 tractor of a State or political subdivision of
6 a State; and

7 (ii) attempts to circumvent the rule of
8 law; and

9 (B) does not include a nonprofit organiza-
10 tion.

11 (5) RESERVED POWER.—The term “reserved
12 power” means a power—

13 (A) reserved to a State under the Tenth
14 Amendment to the Constitution of the United
15 States;

16 (B) transferred by Congress to the District
17 of Columbia or any territory or possession of
18 the United States; or

19 (C) described in subparagraph (A) or (B)
20 that is delegated to a political subdivision of a
21 State.

22 (6) STATE.—The term “State” means any
23 State of the United States, the District of Columbia,
24 the Commonwealth of Puerto Rico, the Northern
25 Mariana Islands, the United States Virgin Islands,

1 Guam, American Samoa, and any other territory or
2 possession of the United States.

3 (b) INELIGIBILITY.—For fiscal year 2021, and each
4 fiscal year thereafter, a State or political subdivision of
5 a State that is an anarchist jurisdiction at any time during
6 a fiscal year may not receive Federal financial assistance
7 from an executive agency during that fiscal year.

8 (c) RETURNED AMOUNTS.—If a State or political
9 subdivision of a State that is ineligible to receive Federal
10 financial assistance during a fiscal year under subsection
11 (b) receives Federal financial assistance during that fiscal
12 year from an executive agency, the head of the executive
13 agency shall—

14 (1) direct the State or political subdivision of
15 the State to immediately return the Federal finan-
16 cial assistance to the executive agency; and

17 (2) reallocate the Federal financial assistance
18 returned under paragraph (1) to States or political
19 subdivisions of States that are not anarchist juris-
20 dictions.

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