

116TH CONGRESS  
1ST SESSION

# H. R. 3218

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

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## 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

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## 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 “sanctuary jurisdiction” means a State or any political subdivision of a State that the Attorney General determines has  
10     in effect a statute, ordinance, policy, or practice that prohibits or in any way restricts, a Federal, State, or local  
11     government entity, official, or other personnel from—

12           (1) complying with the immigration laws (as defined in section 101(a)(17) of the Immigration and  
13     Nationality Act (8 U.S.C. 1101(a)(17))), or from assisting or cooperating with Federal law enforcement  
14     entities, officials, or other personnel regarding the enforcement of these laws; or

15           (2) undertaking any of the following law enforcement activities as they relate to information regarding the citizenship or immigration status, lawful or unlawful, the inadmissibility or deportability, or  
16     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          curring 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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