

**AMENDMENT TO RULES COMMITTEE PRINT 117-4
OFFERED BY MR. BUDD OF NORTH CAROLINA**

Page 54, after line 2, add the following:

1 **TITLE IV—CIVIL REMEDY FOR**
2 **HARM BY SANCTUARY JURIS-**
3 **DICTION POLICIES**

4 **SEC. 401. DEFINITIONS.**

5 In this title:

6 (1) SANCTUARY JURISDICTION.—

7 (A) IN GENERAL.—Except as provided in
8 subparagraph (B), the term “sanctuary juris-
9 diction” means any State or political subdivi-
10 sion of a State that has in effect a statute, ordi-
11 nance, policy, or practice that prohibits or re-
12 stricts any government entity or official from—

13 (i) sending, receiving, maintaining, or
14 exchanging with any Federal, State, or
15 local government entity information re-
16 garding the citizenship or immigration sta-
17 tus of any alien; or

18 (ii) complying with a request lawfully
19 made by the Department of Homeland Se-
20 curity under section 236 or 287 of the Im-

1 migration and Nationality Act (8 U.S.C.
2 1226 and 1357) to comply with a detainer
3 for, or notify about the release of, an alien.

4 (B) EXCEPTION.—A State or political sub-
5 division of a State shall not be deemed a sanc-
6 tuary jurisdiction based solely on having a pol-
7 icy whereby its officials will not share informa-
8 tion regarding, or comply with a request made
9 by the Department of Homeland Security under
10 section 236 or 287 of the Immigration and Na-
11 tionality Act (8 U.S.C. 1226 and 1357) to com-
12 ply with a detainer regarding, an alien who
13 comes forward as a victim or a witness to a
14 criminal offense.

15 (2) SANCTUARY POLICY.—The term “sanctuary
16 policy” means a statute, ordinance, policy, or prac-
17 tice referred to in paragraph (1)(A).

18 (3) SANCTUARY-RELATED CIVIL ACTION.—The
19 term “sanctuary-related civil action” means a civil
20 action brought against a sanctuary jurisdiction by
21 an individual (or the estate, survivors, or heirs of an
22 individual) who—

23 (A) is injured or harmed by an alien who
24 benefitted from a sanctuary policy of the sanc-
25 tuary jurisdiction; and

1 (B) would not have been so injured or
2 harmed but for the alien receiving the benefit of
3 such sanctuary policy.

4 **SEC. 402. CIVIL ACTION FOR HARM BY AN ALIEN THAT BEN-**
5 **EFITTED FROM A SANCTUARY POLICY.**

6 (a) PRIVATE RIGHT OF ACTION.—

7 (1) CAUSE OF ACTION.—Any individual, or a
8 spouse, parent, or child of such individual (if the in-
9 dividual is deceased or permanently incapacitated),
10 who is the victim of a murder, rape, or any felony
11 (as defined by the State) for which an alien (as de-
12 fined in section 101(a)(3) of the Immigration and
13 Nationality Act (8 U.S.C. 1101(a)(3))) has been ar-
14 rested, convicted, or sentenced to a term of impris-
15 onment of at least 1 year, may bring an action for
16 compensatory damages against a State or a political
17 subdivision of a State in the appropriate Federal or
18 State court if the State or political subdivision failed
19 to comply with—

20 (A) a request with respect to an alien that
21 was lawfully made by the Department of Home-
22 land Security under section 236 or 287 of the
23 Immigration and Nationality Act (8 U.S.C.
24 1226 and 1357); and

1 (B) a detainer for, or notify about the re-
2 lease of, the alien.

3 (2) STATUTE OF LIMITATIONS.—An action
4 brought under this subsection may not be brought
5 later than 10 years after the occurrence of the
6 crime, or death of a person as a result of such
7 crime, whichever occurs later.

8 (3) ATTORNEY'S FEE AND OTHER COSTS.—In
9 any action or proceeding under this subsection the
10 court shall allow a prevailing plaintiff a reasonable
11 attorney's fee as part of the costs, and include ex-
12 pert fees as part of the attorney's fee.

13 (b) WAIVER OF IMMUNITY.—

14 (1) IN GENERAL.—Any State or political sub-
15 division of a State that accepts a grant described in
16 paragraph (2) from the Federal Government shall
17 agree, as a condition of receiving such grant, to
18 waive any immunity of such State or political sub-
19 division relating to a sanctuary-related civil action.

20 (2) GRANTS DESCRIBED.—The grants described
21 in this paragraph are—

22 (A) a grant for public works and economic
23 development under section 201(a) of the Public
24 Works and Economic Development Act of 1965
25 (42 U.S.C. 3141(a));

1 (B) a grant for planning and administra-
2 tive expenses under section 203(a) of such Act
3 (42 U.S.C. 3143(a));

4 (C) a supplemental grant under section
5 205(b) of such Act (42 U.S.C. 3145(b));

6 (D) a grant for training, research, and
7 technical assistance under section 207(a) of
8 such Act (42 U.S.C. 3147(a)); and

9 (E) except as provided in paragraph (3), a
10 community development block grant made pur-
11 suant to title I of the Housing and Community
12 Development Act of 1974 (42 U.S.C. 5301 et
13 seq.).

14 (3) EXCEPTION.—Grants described in para-
15 graph (2)(E) shall not include any disaster relief
16 grants to address the damage in an area for which
17 the President has declared a disaster under title IV
18 of the Robert T. Stafford Disaster Relief and Emer-
19 gency Assistance Act (42 U.S.C. 5170 et seq.).

20 **SEC. 403. ENSURING COOPERATION BETWEEN FEDERAL**
21 **AND LOCAL LAW ENFORCEMENT OFFICERS**
22 **TO SAFEGUARD OUR COMMUNITIES.**

23 (a) **AUTHORITY TO COOPERATE WITH FEDERAL OF-**
24 **FICIALS.**—A State, a political subdivision of a State, or
25 an officer, employee, or agent of such State or political

1 subdivision that complies with a detainer issued by the De-
2 partment of Homeland Security under section 236 or 287
3 of the Immigration and Nationality Act (8 U.S.C. 1226
4 and 1357)—

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

7 (2) shall comply with section 287(d) of the Im-
8 migration and Nationality Act (8 U.S.C. 1357(d))
9 and section 287.5(d) of title 8, Code of Federal Reg-
10 ulations.

11 (b) LEGAL PROCEEDINGS.—In any legal proceeding
12 brought against a State, a political subdivision of State,
13 or an officer, employee, or agent of such State or political
14 subdivision challenging the legality of the seizure or deten-
15 tion of an individual pursuant to a detainer issued by the
16 Department of Homeland Security under section 236 or
17 287 of the Immigration and Nationality Act (8 U.S.C.
18 1226 and 1357)—

19 (1) the State or political subdivision of a State
20 shall not be liable for any action taken in accordance
21 with the detainer; and

22 (2) if the actions of the officer, employee, or
23 agent of the State or political subdivision were taken
24 in accordance with the detainer—

1 (A) the officer, employee, or agent shall be
2 deemed—

3 (i) to be an employee of the Federal
4 Government and an investigative or law
5 enforcement officer; and

6 (ii) to have been acting within the
7 scope of his or her employment under sec-
8 tion 1346(b) of title 28, United States
9 Code, and chapter 171 of such title;

10 (B) section 1346(b) of title 28, United
11 States Code, shall provide the exclusive remedy
12 for the plaintiff; and

13 (C) the United States shall be substituted
14 as defendant in the proceeding.

15 (c) RULE OF CONSTRUCTION.—Nothing in this sec-
16 tion may be construed to provide immunity to any person
17 who knowingly violates the civil or constitutional rights of
18 an individual.

