

**AMENDMENT TO RULES COMMITTEE PRINT 117-  
17  
OFFERED BY MR. BUDD OF NORTH CAROLINA**

Page 794, strike line 7 and all that follows through  
page 806 line 8 and insert the following:

**1 SEC. 60001. SHORT TITLE.**

2       This subtitle may be cited as the “Justice for Victims  
3 of Sanctuary Cities Act of 2021”.

**4 SEC. 60002. DEFINITIONS.**

5       In this subtitle:

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

1 (ii) complying with a request lawfully  
2 made by the Department of Homeland Se-  
3 curity under section 236 or 287 of the Im-  
4 migration and Nationality Act (8 U.S.C.  
5 1226 and 1357) to comply with a detainer  
6 for, or notify about the release of, an alien.

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

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

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

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

4 (B) would not have been so injured or  
5 harmed but for the alien receiving the benefit of  
6 such sanctuary policy.

7 **SEC. 60003. CIVIL ACTION FOR HARM BY AN ALIEN THAT**  
8 **BENEFITTED FROM A SANCTUARY POLICY.**

9 (a) PRIVATE RIGHT OF ACTION.—

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

23 (A) a request with respect to an alien that  
24 was lawfully made by the Department of Home-  
25 land Security under section 236 or 287 of the

1 Immigration and Nationality Act (8 U.S.C.  
2 1226 and 1357); and

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

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

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

15 (b) WAIVER OF IMMUNITY.—

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

22 (2) GRANTS DESCRIBED.—The grants described  
23 in this paragraph are—

24 (A) a grant for public works and economic  
25 development under section 201(a) of the Public

1 Works and Economic Development Act of 1965  
2 (42 U.S.C. 3141(a));

3 (B) a grant for planning and administra-  
4 tive expenses under section 203(a) of such Act  
5 (42 U.S.C. 3143(a));

6 (C) a supplemental grant under section  
7 205(b) of such Act (42 U.S.C. 3145(b));

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

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

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

1 **SEC. 60004. ENSURING COOPERATION BETWEEN FEDERAL**  
2 **AND LOCAL LAW ENFORCEMENT OFFICERS**  
3 **TO SAFEGUARD OUR COMMUNITIES.**

4 (a) **AUTHORITY TO COOPERATE WITH FEDERAL OF-**  
5 **FICIALS.**—A State, a political subdivision of a State, or  
6 an officer, employee, or agent of such State or political  
7 subdivision that complies with a detainer issued by the De-  
8 partment of Homeland Security under section 236 or 287  
9 of the Immigration and Nationality Act (8 U.S.C. 1226  
10 and 1357)—

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

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

17 (b) **LEGAL PROCEEDINGS.**—In any legal proceeding  
18 brought against a State, a political subdivision of State,  
19 or an officer, employee, or agent of such State or political  
20 subdivision challenging the legality of the seizure or deten-  
21 tion of an individual pursuant to a detainer issued by the  
22 Department of Homeland Security under section 236 or  
23 287 of the Immigration and Nationality Act (8 U.S.C.  
24 1226 and 1357)—

1 (1) the State or political subdivision of a State  
2 shall not be liable for any action taken in accordance  
3 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 accordance 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) of title 28, United States  
15 Code, and chapter 171 of such title;

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.

