

119TH CONGRESS
2D SESSION

S. _____

To condition certain Federal funds for States and local governments on cooperation with Federal immigration enforcement authorities, to deter illegal entry and reentry into the United States, to increase criminal penalties for crimes committed after illegal reentry into the United States, to protect Federal officers and employees from agitators using loud noises to interfere with the performance of their official duties, and to exclude organization that promote, incite, or provide material support for criminal violence from the tax benefits available under section 501(c)(3) of the Internal Revenue Code of 1986.

IN THE SENATE OF THE UNITED STATES

Mr. SCHMITT introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To condition certain Federal funds for States and local governments on cooperation with Federal immigration enforcement authorities, to deter illegal entry and reentry into the United States, to increase criminal penalties for crimes committed after illegal reentry into the United States, to protect Federal officers and employees from agitators using loud noises to interfere with the performance of their official duties, and to exclude organization that promote, incite, or provide material support for criminal violence from the tax benefits available under section 501(c)(3) of the Internal Revenue Code of 1986.

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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Protect America Act”.

6 (b) TABLE OF CONTENTS.—The table of contents for
7 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—CONDITIONS, COORDINATION, AND CIVIL LIABILITY

Sec. 100. Short title.

Subtitle A—Conditions on Federal Funds Related to Immigration Law
Cooperation

Sec. 101. Finding; purposes; authority.

Sec. 102. Definitions.

Sec. 103. Condition for the receipt of covered federal funds.

Sec. 104. Centralized determination and publication of noncompliant jurisdic-
tions.

Sec. 105. Notice and opportunity to cure.

Sec. 106. Ineligibility, termination, and recovery of funds.

Sec. 107. Rules of construction.

Sec. 108. Effective date.

Sec. 109. Severability.

Subtitle B—Immigration Status Information and Custody Coordination
Requirements for Federally Funded Detention Facilities

Sec. 121. Finding; purposes; authority.

Sec. 122. Definitions.

Sec. 123. Duty to determine and communicate immigration status information.

Sec. 124. Ongoing information-sharing and access requirements.

Sec. 125. Detainer coordination.

Sec. 126. Substantial burden prohibition.

Sec. 127. Recordkeeping requirements.

Sec. 128. Enforcement.

Sec. 129. Rules of construction.

Sec. 130. Effective date.

Sec. 131. Severability.

Subtitle C—Civil Remedy for Harm Resulting From Sanctuary Policies

Sec. 141. Purpose; authority.

Sec. 142. Definitions.

Sec. 143. Private right of action.

Sec. 144. Relief.

Sec. 145. Waiver of immunity as a condition of receiving Federal funds.

3

Sec. 146. Prohibition on use of federal funds for judgments or indemnification.
Sec. 147. Rules regarding proof and causation.
Sec. 148. Statute of limitations.
Sec. 149. Rules of construction.
Sec. 150. Severability.
Sec. 151. Effective date.

TITLE II—INCREASING PENALTIES FOR ILLEGAL ENTRY AND
REENTRY

Sec. 201. Short title.
Sec. 202. Purposes.
Sec. 203. Increasing penalties for illegal entry.
Sec. 204. Increasing penalties for illegal reentry.

TITLE III—PROTECT LAW ENFORCEMENT

Subtitle A—Shielding Heros In Enforcement From Loud Disruptions

Sec. 301. Short titles.
Sec. 302. Amendment.

Subtitle B—Federal Officer Protection

Sec. 311. Short title.
Sec. 312. Increased penalties and adjusted mandatory minimum sentences for
assaulting federal officers.
Sec. 313. Applicability.

TITLE IV—DEFUNDING ROGUE NONPROFITS

Sec. 401. Short title.
Sec. 402. Special rules for certain charitable organizations.

1 **TITLE I—CONDITIONS, COORDI-**
2 **NATION, AND CIVIL LIABILITY**

3 **SEC. 100. SHORT TITLE.**

4 This title may be cited as the “No Sanctuary Cities
5 Act”.

6 **Subtitle A—Conditions on Federal**
7 **Funds Related to Immigration**
8 **Law Cooperation**

9 **SEC. 101. FINDING; PURPOSES; AUTHORITY.**

10 (a) FINDING.—Congress finds that the conditions im-
11 posed by this subtitle are unambiguous, directly related

1 to the Federal interest in immigration enforcement and
2 public safety, and knowingly and voluntarily accepted by
3 any jurisdiction that elects to receive covered Federal
4 funds.

5 (b) PURPOSES.—The purposes of this subtitle are—

6 (1) to ensure Federal funds are not obligated or
7 expended in a manner that subsidizes, facilitates, or
8 incentivizes State or local policies that obstruct the
9 enforcement of Federal immigration law; and

10 (2) to protect the Federal interests in immigra-
11 tion enforcement, national security, and public safe-
12 ty.

13 (c) AUTHORITY.—Congress enacts this subtitle pur-
14 suant to its authority under—

15 (1) section 8 of article I of the Constitution of
16 the United States, which authorizes Congress to tax
17 and spend for the general welfare, to regulate immi-
18 gration as an inherent attribute of national sov-
19 ereignty, to make all laws necessary and proper for
20 carrying such powers into execution; and

21 (2) clause 2 of article VI of the Constitution of
22 the United States (commonly known as the “Su-
23 premacy Clause”).

24 **SEC. 102. DEFINITIONS.**

25 In this subtitle:

1 (1) COVERED FEDERAL FUNDS.—The term
2 “covered Federal funds” means any grant, coopera-
3 tive agreement, loan, contract, or other form of Fed-
4 eral financial assistance administered by—

5 (A) the Department of Justice;

6 (B) the Department of Homeland Security;

7 (C) the Department of Housing and Urban
8 Development; or

9 (D) the Department of Transportation.

10 (2) COVERED JURISDICTION.—The term “cov-
11 ered jurisdiction” means any State, political subdivi-
12 sion of a State, or any agency or instrumentality of
13 such a State or political subdivision.

14 (3) IMMIGRATION ENFORCEMENT COOPERA-
15 TION.—The term “immigration enforcement co-
16 operation” means compliance with Federal laws gov-
17 erning information sharing, notification, and coordi-
18 nation with U.S. Immigration and Customs Enforce-
19 ment, including—

20 (A) communicating information regarding
21 the citizenship or immigration status of individ-
22 uals in custody;

23 (B) notifying U.S. Immigration and Cus-
24 toms Enforcement when a detained individual is
25 determined to be a noncitizen; and

1 (C) refraining from adopting or enforcing
2 policies that prohibit, restrict, or materially im-
3 pede such communication or coordination.

4 (4) KNOWING OR CONSTRUCTIVE NONCOMPLI-
5 ANCE.—The term “knowing or constructive non-
6 compliance” means that officials of a covered juris-
7 diction knew, or reasonably should have known in
8 light of the facts and circumstances, that the cov-
9 ered jurisdiction was maintaining a sanctuary policy
10 in violation of this title.

11 (5) SANCTUARY POLICY.—The term “sanctuary
12 policy” means any statute, ordinance, regulation,
13 policy, or practice of a covered jurisdiction that pro-
14 hibits, restricts, or materially impedes immigration
15 enforcement cooperation.

16 **SEC. 103. CONDITION FOR THE RECEIPT OF COVERED FED-**
17 **ERAL FUNDS.**

18 (a) CERTIFICATION.—As a condition of receiving cov-
19 ered Federal funds, a covered jurisdiction shall certify
20 that—

- 21 (1) it does not have in effect any sanctuary pol-
22 icy; and
23 (2) it will not adopt, enforce, or maintain any
24 sanctuary policy during the period for which such
25 funds are obligated or expended.

1 (b) COMPLIANCE.—Acceptance of covered Federal
2 funds constitutes a knowing and voluntary agreement to
3 comply with the requirements under this subtitle.

4 (c) NO EXEMPTIONS.—No officer or employee of the
5 Federal Government may waive, suspend, or otherwise ex-
6 empt a covered jurisdiction from the certification require-
7 ment described in subsection (a).

8 (d) FALSE CLAIMS.—Any certification required
9 under this section is a material condition of payment for
10 purposes of sections 3729 through 3733 of title 31, United
11 States Code.

12 **SEC. 104. CENTRALIZED DETERMINATION AND PUBLICA-**
13 **TION OF NONCOMPLIANT JURISDICTIONS.**

14 (a) IN GENERAL.—A covered jurisdiction shall be
15 considered noncompliant with this subtitle if the covered
16 jurisdiction adopts or maintains a sanctuary policy during
17 a period in which covered Federal funds are obligated or
18 expended.

19 (b) BASIS.—The head of the Federal agency admin-
20 istering covered Federal funds shall make determinations
21 of noncompliance based on law, regulation, policy, or prac-
22 tice in effect within the covered jurisdiction.

23 (c) PERIODIC DETERMINATIONS.—Not later than 60
24 days after the date of the enactment of this Act, and peri-
25 odically thereafter, the Attorney General, in coordination

1 with the Secretary of Homeland Security, shall determine
2 whether any covered jurisdiction is noncompliant with this
3 subtitle or subtitle B.

4 (d) PUBLICATION.—The Attorney General shall pub-
5 lish and maintain a publicly available list of covered juris-
6 dictions determined to be noncompliant under this section.

7 (e) NOTICE.—If a covered jurisdiction is included on
8 the list described in subsection (d), the Attorney General
9 shall provide written notice to the covered jurisdiction
10 identifying the basis for such determination.

11 (f) EVIDENCE.—Inclusion on the list described in
12 subsection (d) shall constitute prima facie evidence of non-
13 compliance for purposes of enforcement under this title.

14 **SEC. 105. NOTICE AND OPPORTUNITY TO CURE.**

15 (a) NOTICE.—Upon a determination of noncompli-
16 ance, the administering Federal agency shall provide writ-
17 ten notice to the covered jurisdiction describing the basis
18 for such determination.

19 (b) RECOVERY.—If a covered jurisdiction is non-
20 compliant during a period in which covered Federal funds
21 have been obligated or expended, the administering Fed-
22 eral agency shall recover—

23 (1) any covered Federal funds obligated or ex-
24 pended after the expiration of the cure period; and

(2) any covered Federal funds obligated or expended during a period of knowing or constructive noncompliance occurring prior to notice under section 104.

(c) DEADLINE.—Not later than 30 days after receiving notice under subsection (a), a covered jurisdiction shall repeal, suspend, or otherwise eliminate the sanctuary policy giving rise to noncompliance in order to cure the violation.

(d) LIMITATION ON RECOVERY.—Recovery under this section may include funds obligated or expended during the 5-year period immediately preceding the determination of noncompliance.

(e) EFFECT OF CURE.—A covered jurisdiction that cures the violation within the period described in subsection (c) shall not be subject to the penalties described in section 106 for any period preceding the cure.

18 SEC. 106. INELIGIBILITY, TERMINATION, AND RECOVERY
19 OF FUNDS.

(a) FAILURE TO CURE.—A covered jurisdiction that fails to cure a violation within the period provided under section 105(c) shall be ineligible to receive covered Federal funds for any fiscal year during which such noncompliance persists.

1 (b) TERMINATION AND RECOVERY OF FUNDS.—If a
2 covered jurisdiction is noncompliant during a period in
3 which covered Federal funds have been obligated or ex-
4 pended, the administering Federal agency shall—

5 (1) terminate further obligation or expenditure
6 of such funds; and

7 (2) recover all covered Federal funds subject to
8 recovery under section 105(b).

9 (c) REALLOCATION.—Any funds recovered under this
10 section shall be reallocated, to the extent practicable, to
11 covered jurisdictions that are in compliance with this sub-
12 title.

13 (d) LIMITATION.—Actions taken under this section
14 shall be limited to covered Federal funds and shall not
15 apply to unrelated Federal assistance.

16 **SEC. 107. RULES OF CONSTRUCTION.**

17 Nothing in this subtitle may be construed—

18 (1) to require a covered jurisdiction to enact or
19 administer a Federal regulatory program;

20 (2) to limit the authority of the Federal Gov-
21 ernment to enforce Federal immigration law; or

22 (3) to require a State or political subdivision of
23 a State to enact or administer a Federal regulatory
24 program, or to impose any obligation except as a
25 condition on the voluntary receipt of Federal funds.

1 **SEC. 108. EFFECTIVE DATE.**

2 This subtitle shall—

3 (1) take effect on the date of the enactment of
4 this Act; and

5 (2) apply to any covered jurisdiction receiving
6 covered Federal funds on or after such date.

7 **SEC. 109. SEVERABILITY.**

8 If any provision of this subtitle or the application of
9 such a provision to any particular person or circumstance
10 is held to be unconstitutional, the remaining provisions of
11 this subtitle and the application of such provisions to any
12 other person or circumstance shall not be affected.

13 **Subtitle B—Immigration Status In-**
14 **formation and Custody Coordi-**
15 **nation Requirements for Feder-**
16 **ally Funded Detention Facilities**

17 **SEC. 121. FINDING; PURPOSES; AUTHORITY.**

18 (a) FINDING.—Congress finds that the requirements
19 of this subtitle are neutral and generally applicable condi-
20 tions on the receipt of Federal funds, provide clear notice,
21 and are directly related to the Federal interest in immigra-
22 tion enforcement and public safety.

23 (b) PURPOSES.—The purposes of this subtitle are—

24 (1) to ensure detention facilities receiving Fed-
25 eral funds provide timely, complete, and ongoing in-
26 formation and coordination to Federal immigration

1 authorities regarding the immigration status of indi-
2 viduals in custody; and

3 (2) to prevent the use of Federal funds to ob-
4 struct the enforcement of Federal immigration law.

5 (c) **AUTHORITY.**—Congress enacts this subtitle pur-
6 suant to its authority under—

7 (1) section 8 of article I of the Constitution of
8 the United States, which authorizes Congress to tax
9 and spend for the general welfare, to regulate immi-
10 gration as an inherent attribute of national sov-
11 ereignty, to make all laws necessary and proper for
12 carrying such powers into execution; and

13 (2) clause 2 of article VI of the Constitution of
14 the United States (commonly known as the “Su-
15 premacy Clause”).

16 **SEC. 122. DEFINITIONS.**

17 In this subtitle:

18 (1) **COVERED DETENTION FACILITY.**—The term
19 “covered detention facility” means any State or local
20 jail, prison, detention center, or other custodial facil-
21 ity, or any agency or instrumentality thereof, that
22 receives covered Federal funds.

23 (2) **COVERED FEDERAL FUNDS.**—The term
24 “covered Federal funds” means any grant, coopera-

1 tive agreement, loan, contract, or other form of Fed-
2 eral financial assistance administered by—

3 (A) the Department of Justice;

4 (B) the Department of Homeland Security;

5 (C) the Department of Housing and Urban
6 Development; or

7 (D) the Department of Transportation.

8 (3) FEDERAL IMMIGRATION ENFORCEMENT AU-
9 THORITY.—The term “Federal immigration enforce-
10 ment authority” means U.S. Immigration and Cus-
11 toms Enforcement or any successor component of
12 the Department of Homeland Security.

13 (4) IMMIGRATION STATUS INFORMATION.—The
14 term “immigration status information” means any
15 information relating to citizenship, nationality, im-
16 migration status, removability, identity, biographic
17 data, biometric data, or custodial status.

18 (5) NONCITIZEN.—The term “noncitizen”
19 means any individual who is not a citizen or national
20 of the United States.

21 **SEC. 123. DUTY TO DETERMINE AND COMMUNICATE IMMI-**
22 **GRATION STATUS INFORMATION.**

23 (a) CONDITION.—As a condition of receiving covered
24 Federal funds, a covered detention facility shall make a

1 reasonable determination of the citizenship status of each
2 individual detained.

3 (b) NOTIFICATION.—Not later than 24 hours after
4 determining a detained individual is a noncitizen, the cov-
5 ered detention facility shall submit notice to a Federal im-
6 migration enforcement authority that includes immigra-
7 tion status information regarding such individual.

8 (c) APPLICABILITY.—The duties under subsections
9 (a) and (b) shall apply regardless of the offense charged,
10 the stage of criminal proceedings, or whether release is
11 anticipated.

12 (d) RULE OF CONSTRUCTION.—Nothing in this sec-
13 tion may be construed to require a covered detention facil-
14 ity to make a final legal determination of removability.

15 **SEC. 124. ONGOING INFORMATION-SHARING AND ACCESS**
16 **REQUIREMENTS.**

17 (a) IN GENERAL.—A covered detention facility shall
18 provide Federal immigration enforcement authorities with
19 ongoing access to immigration status information, includ-
20 ing updates regarding—

- 21 (1) transfers of custody;
- 22 (2) changes in charges or custodial status;
- 23 (3) bail, bond, or sentencing determinations;
- 24 and
- 25 (4) anticipated release eligibility.

1 (b) REASONABLE ACCESS.—A covered detention fa-
2 cility shall permit reasonable access by Federal immigra-
3 tion enforcement authorities to detained noncitizens for
4 the purpose of interviews, identification, record review,
5 and the lodging of detainees.

6 (c) PROHIBITIONS.—A covered detention facility may
7 not delay, withhold, or condition the provision of informa-
8 tion or access required under this section based on local
9 law, policy, or practice.

10 **SEC. 125. DETAINER COORDINATION.**

11 (a) IN GENERAL.—As a condition of receiving cov-
12 ered Federal funds, a covered detention facility shall honor
13 a detainer lawfully issued by a Federal immigration en-
14 forcement authority by providing such authority advance
15 notice of an individual's scheduled release and coordi-
16 nating a transfer of custody.

17 (b) CLASSIFICATION.—Compliance with a detainer
18 under this section shall be deemed a Federal function car-
19 ried out pursuant to Federal authority.

20 **SEC. 126. SUBSTANTIAL BURDEN PROHIBITION.**

21 (a) IN GENERAL.—Except as provided in subsection
22 (c) no State, political subdivision of a State, or covered
23 detention facility may impose or enforce any law, policy,
24 or practice that substantially burdens the provision of im-

1 migration status information, access, or coordination re-
2 quired under this subtitle.

3 (b) SUBSTANTIAL BURDEN.—A law, policy, or prac-
4 tice imposes a substantial burden if it directly or indirectly
5 inhibits, delays, penalizes, or deters compliance with this
6 subtitle.

7 (c) EXCEPTIONS.—A substantial burden may be im-
8 posed only if the jurisdiction imposing such burden dem-
9 onstrates that the burden—

10 (1) furthers a compelling governmental interest;

11 and

12 (2) is the least restrictive means of furthering
13 such interest.

14 **SEC. 127. RECORDKEEPING REQUIREMENTS.**

15 (a) IN GENERAL.—Each covered detention facility
16 shall retain records sufficient to document compliance
17 with this subtitle, including—

18 (1) determinations of citizenship or immigration
19 status;

20 (2) communications with Federal immigration
21 authorities;

22 (3) detainer requests and responses; and

23 (4) custody transfer or release information.

24 (b) RETENTION PERIOD.—Records described in sub-
25 section (a) shall be retained for not less than 5 years.

1 (c) AVAILABILITY.—Records retained pursuant to
2 this section shall be made available, upon request, to the
3 Department of Justice or the Department of Homeland
4 Security.

5 **SEC. 128. ENFORCEMENT.**

6 (a) VIOLATION.—A violation of this subtitle shall con-
7 stitute a failure of a covered detention facility to comply
8 with conditions on the receipt of covered Federal funds.

9 (b) EFFECT OF NONCOMPLIANCE.—Upon a deter-
10 mination of noncompliance, the Attorney General or the
11 Secretary of Homeland Security shall—

12 (1) suspend or terminate covered Federal funds
13 to the noncompliant covered detention facility;

14 (2) recover all covered Federal funds obligated
15 or expended by the noncompliant covered detention
16 facility during the period of noncompliance; and

17 (3) seek declaratory or injunctive relief, as ap-
18 propriate.

19 **SEC. 129. RULES OF CONSTRUCTION.**

20 Nothing in this subtitle may be construed—

21 (1) to require a State or local government to
22 enact or administer a Federal regulatory program;

23 (2) to limit the authority of the Federal Gov-
24 ernment to enforce Federal immigration law; or

1 (3) to require a State or political subdivision of
2 a State to enact or administer a Federal regulatory
3 program, or to impose any obligation except as a
4 condition on the voluntary receipt of Federal funds.

5 **SEC. 130. EFFECTIVE DATE.**

6 This subtitle shall—

7 (1) take effect on the date of the enactment of
8 this Act; and

9 (2) apply to any covered detention facility re-
10 ceiving covered Federal funds on or after such date.

11 **SEC. 131. SEVERABILITY.**

12 If any provision of this subtitle or the application of
13 such provision to any particular person or circumstance
14 is held to be unconstitutional, the remaining provisions of
15 this subtitle and the application of such provisions to any
16 other person or circumstance shall not be affected.

17 **Subtitle C—Civil Remedy for Harm**
18 **Resulting From Sanctuary Policies**

19 **SEC. 141. PURPOSE; AUTHORITY.**

20 (a) PURPOSES.—The purposes of this subtitle are to
21 provide a civil remedy to persons injured by serious violent
22 crime committed by removable aliens if a State or local
23 government’s sanctuary policy obstructed Federal immi-
24 gration enforcement and foreseeably contributed to the
25 alien’s continued presence at liberty.

1 (b) AUTHORITY.—Congress enacts this subtitle pur-
2 suant to its authority under—

3 (1) section 8 of article I of the Constitution of
4 the United States, which authorizes Congress to reg-
5 ulate immigration as an inherent attribute of na-
6 tional sovereignty, to provide for the general welfare,
7 and to make all laws necessary and proper for car-
8 rying such powers into execution; and

9 (2) clause 2 of article VI of the Constitution of
10 the United States (commonly known as the “Su-
11 premacy Clause”).

12 **SEC. 142. DEFINITIONS.**

13 In this subtitle:

14 (1) CONSTRUCTIVE KNOWLEDGE.—The term
15 “constructive knowledge” means officials of a cov-
16 ered jurisdiction knew, or reasonably should have
17 known in light of the facts and circumstances,
18 that—

19 (A) the individual was a removable alien;
20 and

21 (B) a sanctuary policy prohibited, re-
22 stricted, or materially impeded immigration en-
23 forcement cooperation with respect to the indi-
24 vidual.

1 (2) COVERED FEDERAL FUNDS.—The term
2 “covered Federal funds” has the meaning given such
3 term in section 102.

4 (3) COVERED JURISDICTION.—The term “cov-
5 ered jurisdiction” means any State, political subdivi-
6 sion of a State, or any agency or instrumentality of
7 such State or subdivision.

8 (4) FEDERAL IMMIGRATION ENFORCEMENT AU-
9 THORITY.—The term “Federal immigration enforce-
10 ment authority” means U.S. Immigration and Cus-
11 toms Enforcement or any successor component of
12 the Department of Homeland Security.

13 (5) REMOVABLE ALIEN.—The term “removable
14 alien” means an alien (as defined in section
15 101(a)(3) of the Immigration and Nationality Act (8
16 U.S.C. 1101(a)(3))) who is unlawfully present in the
17 United States or otherwise subject to removal under
18 Federal immigration law.

19 (6) SANCTUARY POLICY.—The term “sanctuary
20 policy” means any statute, ordinance, regulation,
21 policy, practice, directive, guidance, or custom of a
22 covered jurisdiction that prohibits, restricts, or ma-
23 terially impedes, directly or indirectly—

24 (A) sending, receiving, maintaining, access-
25 ing, or exchanging with a Federal immigration

1 enforcement authority information regarding
2 the citizenship, nationality, immigration status,
3 removability, identity, location, transfer, deten-
4 tion, or custodial status of any individual; or

5 (B) complying with a lawful request or de-
6 tainer issued by a Federal immigration enforce-
7 ment authority, including a request to provide
8 notice, access, transfer coordination, or tem-
9 porary detention following the time the indi-
10 vidual would otherwise be released.

11 (7) SERIOUS VIOLENT FELONY.—The term “se-
12 rious violent felony” means murder, voluntary man-
13 slaughter, rape, sexual assault, aggravated sexual
14 abuse, child sexual abuse, kidnapping, human traf-
15 ficking, armed robbery, carjacking, aggravated as-
16 sault resulting in serious bodily injury, or any felony
17 offense that has as an element the use, attempted
18 use, or threatened use of physical force against the
19 person of another.

20 **SEC. 143. PRIVATE RIGHT OF ACTION.**

21 (a) CIVIL ACTION AUTHORIZED.—Any individual
22 who suffers personal injury, or the estate, survivors, or
23 heirs of an individual who is killed, as a result of a serious
24 violent felony committed by a removable alien may bring
25 a civil action against a covered jurisdiction in an appro-

1 piate Federal district court if the requirements of sub-
2 section (b) are satisfied.

3 (b) BURDEN OF PROOF.—To prevail in an action
4 under this section, a plaintiff shall establish, by a prepon-
5 derance of the evidence, that—

6 (1) the covered jurisdiction adopted, enforced,
7 or maintained a sanctuary policy;

8 (2) with respect to the removable alien, the cov-
9 ered jurisdiction had constructive knowledge;

10 (3) the sanctuary policy was a substantial fac-
11 tor that prohibited, restricted, or materially impeded
12 a Federal immigration enforcement authority from
13 obtaining timely information about, access to, cus-
14 tody of, or the ability to remove the removable alien;
15 and

16 (4) the plaintiff's injury or death was a foresee-
17 able and proximate result of the covered jurisdic-
18 tion's conduct described in paragraphs (1) through
19 (3).

20 (c) CONSTRUCTIVE KNOWLEDGE.—If a covered juris-
21 diction is included on the list published under section 104
22 during the relevant period, such inclusion shall give rise
23 to a rebuttable presumption that the covered jurisdiction
24 had constructive knowledge for purposes of subsection
25 (b)(2).

1 (d) DEFENSE.—It shall not be a defense to an action
2 under this subtitle that the covered jurisdiction acted pur-
3 suant to State or local law, policy, or directive.

4 (e) EVIDENTIARY STANDARD.—A plaintiff shall not
5 be required to prove that the removable alien was con-
6 victed of the serious violent felony if the plaintiff estab-
7 lishes, by a preponderance of the evidence, that the remov-
8 able alien committed the serious violent felony.

9 (f) VENUE.—An action under this subtitle may be
10 brought in the judicial district in which—

11 (1) the injury occurred;

12 (2) the sanctuary policy was adopted, enforced,
13 or maintained; or

14 (3) the covered jurisdiction is located.

15 **SEC. 144. RELIEF.**

16 (a) COMPENSATORY DAMAGES.—In an action under
17 section 143, a prevailing plaintiff may recover compen-
18 satory damages.

19 (b) ATTORNEYS' FEES AND COSTS.—In an action
20 under section 143, the court shall award a prevailing
21 plaintiff reasonable attorneys' fees and costs, including
22 reasonable expert witness fees.

23 (c) JOINT LIABILITY.—A covered jurisdiction found
24 liable under this subtitle shall be jointly and severally lia-

1 ble for the full amount of damages awarded under a civil
2 action authorized under this subtitle.

3 **SEC. 145. WAIVER OF IMMUNITY AS A CONDITION OF RE-**
4 **CEIVING FEDERAL FUNDS.**

5 (a) CONDITION.—As a condition of receiving covered
6 Federal funds or any Federal financial assistance adminis-
7 tered by the Department of Justice or the Department of
8 Homeland Security, a covered jurisdiction shall be deemed
9 to have waived any claim of sovereign immunity, including
10 immunity under the Eleventh Amendment to the United
11 States Constitution, with respect to a civil action brought
12 under this subtitle.

13 (b) APPLICABILITY.—The waiver described in sub-
14 section (a) applies only to claims arising from conduct oc-
15 ccurring during a period in which the covered jurisdiction
16 accepted Federal funds described in subsection (a).

17 (c) RULE OF CONSTRUCTION.—Nothing in this sec-
18 tion may be construed to require a covered jurisdiction to
19 accept Federal funds.

20 **SEC. 146. PROHIBITION ON USE OF FEDERAL FUNDS FOR**
21 **JUDGMENTS OR INDEMNIFICATION.**

22 No Federal funds may be used to satisfy any judg-
23 ment, settlement, indemnification obligation, or insurance
24 premium arising from liability under this subtitle.

1 **SEC. 147. RULES REGARDING PROOF AND CAUSATION.**

2 (a) MATERIAL IMPEDIMENT.—For purposes of sec-
3 tion 143(b)(3), a sanctuary policy “materially impeded”
4 Federal immigration enforcement if the policy reasonably
5 tended to delay, deter, or prevent a Federal immigration
6 enforcement authority from receiving timely information,
7 obtaining timely access, or taking custody of the remov-
8 able alien.

9 (b) FORESEEABILITY.—For purposes of section
10 143(b)(4), an injury is foreseeable if, in light of the cir-
11 cumstances, a reasonable person would recognize that ob-
12 structing immigration enforcement cooperation with re-
13 spect to a removable alien increases the risk that the alien
14 will remain at liberty and commit a serious violent felony.

15 (c) RULE OF CONSTRUCTION.—Nothing in this sub-
16 title may be construed to impose liability on a covered ju-
17 risdiction for the independent criminal acts of another ab-
18 sent the elements set forth in section 143(b).

19 (d) EXCLUSIVE REQUIREMENTS.—In an action under
20 this subtitle, the elements listed in section 143(b) shall
21 constitute the exclusive requirements for establishing li-
22 ability.

23 **SEC. 148. STATUTE OF LIMITATIONS.**

24 An action under this subtitle may be brought not
25 later than 10 years after the date on which the injury or
26 death giving rise to the action occurred.

1 **SEC. 149. RULES OF CONSTRUCTION.**

2 Nothing in this subtitle may be construed—

3 (1) to limit the authority of the United States
4 to enforce Federal immigration law; or

5 (2) to create liability for a covered jurisdiction
6 solely because the jurisdiction received Federal
7 funds, absent the elements listed in section 143(b).

8 **SEC. 150. SEVERABILITY.**

9 If any provision of this subtitle, or the application
10 of such provision to any person or circumstance, is held
11 invalid, the remainder of this subtitle and the application
12 of such provisions to any other person or circumstance
13 shall not be affected.

14 **SEC. 151. EFFECTIVE DATE.**

15 This subtitle shall—

16 (1) take effect on the date of the enactment of
17 this Act; and

18 (2) apply to injuries occurring on or after such
19 date.

20 **Subtitle D—No Student Visas for**
21 **Sanctuary Cities**

22 **SEC. 161. SHORT TITLE.**

23 This subtitle may be cited as the “No Student Visas
24 for Sanctuary Cities Act of 2025”.

1 **SEC. 162. LIMITATION ON AVAILABILITY OF F-VISAS AND M-**
2 **VISAS FOR INSTITUTIONS IN SANCTUARY JU-**
3 **RISDICTIONS.**

4 Section 214(m) of the Immigration and Nationality
5 Act (8 U.S.C. 1184(m)) is amended by adding at the end
6 the following:

7 “(3)(A) The Secretary of Homeland Security shall,
8 for each fiscal year, identify sanctuary jurisdictions for
9 purposes of this paragraph.

10 “(B) In the case of an alien who seeks a visa under
11 or to be accorded status as a nonimmigrant under section
12 101(a)(15)(F) to pursue a course of study at an estab-
13 lished college, university, conservatory, academic high
14 school, elementary school, or other academic institution or
15 in an accredited language training program in the United
16 States, if such college, university, conservatory, academic
17 high school, elementary school, or other academic institu-
18 tion or accredited language training program is located in
19 a sanctuary jurisdiction, such visa may not be issued nor
20 may such status be accorded.

21 “(C) In the case of an alien who seeks a visa under
22 or to be accorded status as a nonimmigrant under section
23 101(a)(15)(M) to pursue a full course of study at an es-
24 tablished vocational or other recognized nonacademic in-
25 stitution (other than in a language training program) in
26 the United States, if such vocational or other recognized

1 nonacademic institution is located in a sanctuary jurisdic-
2 tion, such visa may not be issued nor may such status
3 be accorded.

4 “(D) The prohibition under subparagraphs (B) and
5 (C) do not apply for a fiscal year in the case of a State
6 or unit of local government identified as a sanctuary juris-
7 diction if the Secretary of Homeland Security thereafter
8 determines that such State or unit of local government
9 is no longer a sanctuary jurisdiction and submits a report
10 to Congress to that effect.

11 “(E) In this paragraph, the term ‘sanctuary jurisdic-
12 tion’ means any State or unit of local government that
13 has laws, ordinances, regulations, resolutions, policies, or
14 other practices that obstruct immigration enforcement and
15 shield criminals from U.S. Immigration and Customs En-
16 forcement, including by—

17 “(i) refusing to or prohibiting agencies from
18 complying with U.S. Immigration and Customs En-
19 forcement detainers;

20 “(ii) imposing unreasonable conditions on U.S.
21 Immigration and Customs Enforcement detainer
22 compliance;

23 “(iii) denying U.S. Immigration and Customs
24 Enforcement access to interview incarcerated aliens;
25 or

1 “(iv) otherwise impeding communication or in-
2 formation exchanges between the jurisdiction’s per-
3 sonnel and Federal immigration officers.”.

4 **TITLE II—INCREASING PEN-**
5 **ALTIES FOR ILLEGAL ENTRY**
6 **AND REENTRY**

7 **SEC. 201. SHORT TITLE.**

8 This title may be cited as the “Stopping Invaders
9 Act”.

10 **SEC. 202. PURPOSES.**

11 The purposes of this title are—

12 (1) to deter aliens from attempting to illegally
13 enter the United States; and

14 (2) to punish aliens who attempt to or success-
15 fully illegally enter the United States.

16 **SEC. 203. INCREASING PENALTIES FOR ILLEGAL ENTRY.**

17 Section 275 of the Immigration and Nationality Act
18 (8 U.S.C. 1325) is amended—

19 (1) by amending subsection (a) to read as fol-
20 lows:

21 “(a) Any alien who enters or attempts to enter the
22 United States at any time or place other than as des-
23 ignated by immigration officers eludes examination or in-
24 spection by immigration officers, or attempts to enter or
25 obtains entry to the United States by a willfully false or

1 misleading representation or the willful concealment of a
2 material fact, shall—

3 “(1) for the first commission of any such of-
4 fense, be fined under title 18, United States Code,
5 imprisoned for a period of at least 1 year and not
6 more than 5 years, or both; and

7 “(2) for a subsequent commission of any such
8 offense, be fined under such title 18, imprisoned for
9 a period of at least 2 years and not more than 10
10 years, or both.”;

11 (2) in subsection (b), by amending paragraph
12 (1) to read as follows:

13 “(1) at least \$25,000 and not more than
14 \$100,000 for each such entry (or attempted entry);
15 or”; and

16 (3) by adding at the end the following:

17 “(e) MANDATORY DETENTION.—

18 “(1) IN GENERAL.—Notwithstanding any other
19 provision of law, an alien charged with an offense
20 described in subsection (a) shall be detained pending
21 the completion of all criminal proceedings relating to
22 such offense, including sentencing.

23 “(2) NO RELEASE.—An alien described in para-
24 graph (1) may not be released on bond, parole, re-

1 cognizance, or any other form of release during the
2 period of detention required under this subsection.”.

3 **SEC. 204. INCREASING PENALTIES FOR ILLEGAL REENTRY.**

4 Section 276 of the Immigration and Nationality Act
5 (8 U.S.C. 1326) is amended—

6 (1) by redesignating subsections (c) and (d) as
7 subsections (d) and (e), respectively;

8 (2) by striking subsections (a) and (b) and in-
9 serting the following:

10 “(a) **DEFINED TERM.**—In this section, the term ‘re-
11 moval’ includes any agreement in which an alien stipulates
12 to removal related to a criminal charge under Federal or
13 State law.

14 “(b) **IN GENERAL.**—Except as provided in subsection
15 (c), any alien who—

16 “(1) has been denied admission, excluded, de-
17 ported, or removed or has departed the United
18 States while an order of exclusion, deportation, or
19 removal is outstanding; and

20 “(2) thereafter enters, attempts to enter, or is
21 at any time found in, the United States, unless—

22 “(A) before the alien’s reembarkation at a
23 place outside the United States or the alien’s
24 application for admission from foreign contig-
25 uous territory, the Secretary of Homeland Se-

1 curity has expressly consented to such alien's
2 reapplying for admission; or

3 “(B) with respect to an alien previously de-
4 nied admission and removed, such alien shall
5 establish that the alien was not required to ob-
6 tain such advance consent under this Act or
7 under any prior Act,
8 shall be fined under title 18, United States Code,
9 imprisoned at least 5 years but not more than 10
10 years, or both.

11 “(c) CRIMINAL PENALTIES FOR REENTRY OF CER-
12 TAIN REMOVED ALIENS.—

13 “(1) IN GENERAL.—Notwithstanding the pen-
14 alty described in subsection (b), and except as pro-
15 vided in subsection (d), an alien described in sub-
16 section (b)—

17 “(A) who was convicted before such re-
18 moval or departure of 3 or more misdemeanors
19 involving drugs, crimes against the person, or
20 both, or a felony (other than an aggravated fel-
21 ony), shall be fined under title 18, United
22 States Code, imprisoned at least 10 years but
23 not more than 20 years, or both;

24 “(B) who has been excluded from the
25 United States pursuant to section 235(c) be-

1 cause the alien was inadmissible under section
2 212(a)(3)(B) or who has been removed from
3 the United States pursuant to title V, and who
4 thereafter, without the permission of the Sec-
5 retary of Homeland Security, enters the United
6 States, or attempts to do so, shall be fined
7 under title 18, United States Code, and impris-
8 oned for at least 10 years but not more than
9 20 years, which sentence shall not run concur-
10 rently with any other sentence;

11 “(C) who was removed from the United
12 States pursuant to section 241(a)(4)(B) who
13 thereafter, without the permission of the Sec-
14 retary of Homeland Security, enters, attempts
15 to enter, or is at any time found in, the United
16 States, shall be fined under title 18, United
17 States Code, imprisoned for at least 10 years
18 but not more than 20 years, or both; or

19 “(D) who has been denied admission, ex-
20 cluded, deported, or removed 3 or more times
21 and thereafter enters, attempts to enter, crosses
22 the border to, attempts to cross the border to,
23 or is at any time found in the United States,
24 shall be fined under title 18, United States

1 Code, imprisoned for at least 10 years but not
2 more than 20 years, or both.”;

3 (3) in subsection (d), as redesignated—

4 (A) by striking “section 242(h)(2)” and in-
5 serting “section 241(a)(4)”;

6 (B) by striking “Attorney General” and in-
7 serting “Secretary of Homeland Security”; and

8 (4) in subsection (e), as redesignated, in the
9 matter preceding paragraph (1), by striking “sub-
10 section (a)(1) or subsection (b)” and inserting “sub-
11 section (b)(1) or (c)”.

12 **TITLE III—PROTECT LAW**
13 **ENFORCEMENT**
14 **Subtitle A—Shielding Heros In En-**
15 **forcement From Loud Disrup-**
16 **tions**

17 **SEC. 301. SHORT TITLES.**

18 This subtitle may be cited as the “Shielding Heros
19 in Enforcement from Loud Disruptions Act” or the
20 “SHIELD Act”.

21 **SEC. 302. AMENDMENT.**

22 (a) IN GENERAL.—Section 231 of title 18, United
23 States Code, is amended—

24 (1) in subsection (a)—

1 (A) in paragraph (2), by striking “or” at
2 the end;

3 (B) in paragraph (3), by striking “any
4 Federally protected function—”, and inserting
5 “any Federally protected function; or”; and

6 (C) by inserting after paragraph (3) the
7 following:

8 “(4) Whoever commits or attempts to commit
9 any act to obstruct, impede, inhibit, stymie, hinder,
10 hamper, or interfere with any person described in
11 section 1114 of this title while that person is en-
12 gaged in or on account of the performance of official
13 duties or any Federally protected function of that
14 person—”; and

15 (2) by adding at the end the following:

16 “(c) For purposes of this section, ‘interfere with’ in-
17 cludes creating a loud noise that impedes, inhibits, sty-
18 mies, hinders, or hampers the operations or audible com-
19 munications of, by using a device, such as a whistle, mega-
20 phone, or sound amplification device.”.

21 (b) RULE OF CONSTRUCTION.—Nothing in this sub-
22 title, or any amendment made by this subtitle, shall be
23 construed to prohibit the content or expressive aspects of
24 any speech or expressive conduct.

1 (c) SEVERABILITY.—If any provision of this subtitle,
2 an amendment made by this subtitle, or the application
3 of such a provision or amendment to any particular person
4 or circumstance is held invalid, the remaining provisions
5 of this subtitle and amendments made by this subtitle, and
6 the application of such provisions and amendments to any
7 other person or circumstance, shall not be affected there-
8 by.

9 **Subtitle B—Federal Officer**
10 **Protection**

11 **SEC. 311. SHORT TITLE.**

12 This subtitle may be cited as the “Federal Officer
13 Protection Act”.

14 **SEC. 312. INCREASED PENALTIES AND ADJUSTED MANDA-**
15 **TORY MINIMUM SENTENCES FOR ASSAULT-**
16 **ING FEDERAL OFFICERS.**

17 Section 111 of title 18, United States Code, is
18 amended—

19 (1) in subsection (a), by striking “not more
20 than one year” and inserting “not more than 2
21 years”;

22 (2) in subsection (a), by striking “not more
23 than 8 years” and inserting “not less than 2 years
24 and not more than 16 years”;

1 (3) in subsection (b), by striking “not more
2 than 20 years” and inserting “not less than 5 years
3 and not more than 40 years”;

4 (4) by adding at the end the following:

5 “(d) MANDATORY MINIMUM SENTENCES.—Notwith-
6 standing any other provision of law, a court shall impose
7 a sentence of imprisonment not less than the minimum
8 terms specified under subsections (a) and (b), and no term
9 of imprisonment imposed under those subsections may be
10 suspended, probated, or reduced below such minimum
11 term.”.

12 **SEC. 313. APPLICABILITY.**

13 The amendments made by this subtitle shall apply to
14 offenses committed on or after the date of enactment of
15 this Act.

16 **TITLE IV—DEFUNDING ROGUE**
17 **NONPROFITS**

18 **SEC. 401. SHORT TITLE.**

19 This title may be cited as the “No Rogue Nonprofits
20 Act”.

21 **SEC. 402. SPECIAL RULES FOR CERTAIN CHARITABLE OR-**
22 **GANIZATIONS.**

23 (a) IN GENERAL.—Section 501 of the Internal Rev-
24 enue Code of 1986 is amended by adding at the end the
25 following new subsection:

1 “(s) ADDITIONAL REQUIREMENT FOR CHARITABLE
2 ORGANIZATIONS.—Notwithstanding subsections (e) and
3 (f), for purposes of subsection (c)(3) and section
4 170(c)(2)(B), an organizations shall not be treated as or-
5 ganized and operated for exclusively for charitable pur-
6 poses if such organization promotes, incites, or provides
7 material support for criminal violence.”.

8 (b) RULE OF CONSTRUCTION.—Nothing in this sec-
9 tion or the amendments made by this section shall be con-
10 strued to prohibit or penalize lawful speech, advocacy, or
11 assembly protected by the First Amendment to the Con-
12 stitution of the United States, nor to apply to the discus-
13 sion of ideas absent promotion, incitement, or material
14 support of criminal conduct.

15 (c) EFFECTIVE DATE.—The amendment made by
16 this section shall apply to taxable years beginning after
17 the date of the enactment of this Act.