

## Comparison of H.R. 3009 to S. 1814 Sanctuary City Bills

July 30, 2015

- Sponsored by Senators Vitter (R-LA), Flake (R-AZ), and McCain (R-AZ).
- The purpose of the bill is to deny certain federal funds to states and political subdivisions that refuse to cooperate with federal immigration enforcement.

**Information Sharing:** The bill makes it “unlawful” for any state or political subdivision of a state to violate 8 U.S.C. 1373, which says that officials must be able to give and receive information about individual’s immigration status with Immigration and Customs Enforcement (ICE).

**Detainers:** The bill makes it unlawful to fail to comply with a “lawfully issued” detainer issued by the Department of Homeland Security (DHS).

**SCAAP Funding:** The state or subdivision violating these provisions will lose eligibility for State Criminal Alien Assistance Program (SCAAP) funding. SCAAP funding is granted by the federal government to states and localities that reimburses them for costs they incur detaining illegal aliens.

**Byrne JAG Funding:** The non-complying states or subdivisions will also lose eligibility for the Byrne Memorial Justice Grant Program (Byrne JAG) if the noncompliance continues for 180 days after the Secretary of Homeland Security notifies them they are not in compliance. Byrne JAG funding is granted by the federal government to states and localities to provide resources for a wide variety of criminal justice programs.

**Enforcement:** The eligibility for funds is lost after the Secretary of Homeland Security notifies the state or subdivision it is not in compliance and it does not comply voluntarily within 60 days.

**Reports:** The Secretary of Homeland Security must submit a report to the House and Senate Judiciary Committees within 5 days of terminating a grant describing why. The termination of the grant will become effective 30 days after the report is submitted.

**Funding to Compliant Localities:** The funds lost by noncompliant states and subdivisions will be reallocated to those that do comply.

**Immunity:** No state or subdivision acting in compliance with a detainer lawfully issued by DHS will be subject to any liability for so complying.

**Victim and Witness Protection:** This bill cannot be construed to require law enforcement officials to provide DHS with information about a victim or witness to a crime.

***Comparison to HR 3009, the House passed anti-sanctuary bill:***

- The House passed an anti-sanctuary bill, H.R. 3009, on July 23, 2015.
- Similar to S. 1814, H.R. 3009 provides that a state or political subdivision which “has in effect” a law or policy that violates 8 U.S.C. 1373 or prohibits state or local law enforcement officials from gathering information about the immigration status of an individual is “not eligible” for SCAAP funding. One difference is that the House bill does not make it “unlawful” for a state or political subdivision to have such a policy.
- H.R. 3009 does **not** contain language targeting states or subdivisions for refusing to comply with detainers, as S. 1814 does.
- H.R. 3009 does not set up a specific path for the Secretary of Homeland Security to put the state or subdivision on a list and report to Congress about its non-cooperation.
- H.R. 3009 provides that states or units of local government shall also lose both their Byrne JAG grants and their COPS grants, which go to rehire law enforcement officers. By comparison, S. 1814 withholds Byrne JAG grants but not COPS grants.
- H.R. 3009 does not provide immunity for those who comply with ICE detainers while S. 1814 does.
- H.R. 3009 does not reallocate the funds from non-complying states and political subdivisions to complying ones while S.1814 does.