



# Summary of S. 3100

## Stop Dangerous Sanctuary Cities Act

June 2016

Senator Pat Toomey (R-PA) introduced the “Stop Dangerous Sanctuary Cities Act” to target sanctuary cities—State and local jurisdictions with policies that obstruct the enforcement of Federal immigration law. Specifically, the bill denies certain Federal funds to jurisdictions that refuse to share information about criminal aliens with the Federal government or refuse to recognize ICE detainer requests.

### **I. The bill defines sanctuary jurisdictions.**

Currently there is no standard definition of a sanctuary jurisdiction. Section 3(a) statutorily defines “sanctuary jurisdiction” as “any State or political subdivision of a State that has in effect a statute, ordinance, policy, or practice that **prohibits or restricts** any government entity or official” from (1) sending, receiving, maintaining, or exchanging with any Federal, State, or local government entity information regarding the citizenship or immigration status of any individual; or (2) complying with a lawfully issued detainer request. This two-pronged definition establishes a uniform standard nationwide that sanctuary jurisdictions (1) fail to share immigration information with the federal government or (2) refuse to adhere to detainer requests.

### **II. The bill denies certain Federal grants to sanctuary jurisdictions and reallocates those Federal funds to compliant jurisdictions.**

Sanctuary policies violate our immigration laws. Accordingly, the bill denies certain Federal funds to State and local jurisdictions that choose to maintain their sanctuary policies in defiance of federal law. These changes are effective October 1, 2016, the first day of FY2017. (Section 4(c))

#### **Economic Development Administration Grants**

Section 4(a) makes all sanctuary jurisdictions ineligible for (1) grants for public works (42 U.S.C. § 3141(b)); (2) grants for planning and administrative expenses (42 U.S.C. § 3143(a)); (3) supplementary grants (42 U.S.C. § 3145(a)); and (4) grants for training, research, and technical assistance (42 U.S.C. § 3147).

### **Community Development Block Grants**

Section 4(b) denies Community Development Block Grants (42 U.S.C. § 5302(a); 42 U.S.C. § 5304) to sanctuary jurisdictions.

### **Reallocation of Funds to Compliant Jurisdictions**

Additionally, Section 4 **requires** that if a State or locality becomes a sanctuary jurisdiction after receiving any of the above grants, they must be returned. If a **State** is a sanctuary jurisdiction, the bill requires the State to “immediately return” the grants to the Secretary of Housing and Urban Development (HUD) and requires the Secretary to reallocate the returned amounts to compliant States. If a **locality** (rather than the entire State) is a sanctuary jurisdiction, the redistribution of withheld funds depends on whether or not the jurisdiction is urban. If it is a “nonentitlement area” (not a metropolitan city or urban county; 42 U.S.C. § 5302(a)(7)), the previously dispersed funds are returned to the Governor to distribute elsewhere in the State. If it is not a “nonentitlement area” (meaning a city or urban county), the previously dispersed funds are returned to the HUD Secretary to be distributed to other States that comply with federal immigration law.

Importantly, Section 4 also requires the HUD Secretary to “apply the relevant allocation formula” for Community Development Block Grants when excluding sanctuary jurisdictions. This provision gives compliant States the ability to compel the HUD Secretary to accurately re-disburse the funds returned by sanctuary jurisdictions.

### **III. The bill provides protections to immigrant victims and witnesses of crime.**

State and local jurisdictions often justify their sanctuary policies by claiming that illegal aliens will be more likely to report crimes to police without fear of deportation. There is not verifiable evidence to support this claim because law enforcement rarely, if ever, inquires about the immigration status of crime witnesses. Regardless, Section 3(b) explicitly states that a jurisdiction is not a sanctuary jurisdiction if it has a policy where officials will not share information or comply with a detainer request for individuals who are a “victim or a witness to a criminal offense.”

### **IV. The bill clarifies the authority of State and local officials to carry out detainers.**

Many sanctuary cities and pro-amnesty advocacy groups have challenged the constitutional authority of ICE detainers (a Federal request that State and local jurisdictions hold an alien for a limited time so Federal officials can assume custody) as an improper use of State resources for Federal purposes. Section 2(a) eliminates any constitutional concerns by making all State officials who carry out detainers DHS employees for that limited purpose. Section 2(b) removes liability from State and local officials for complying with detainers. However, Section 2(c) waives the immunity for “any person who knowingly violates the civil or constitutional rights of an individual.”

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