



AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: To ensure that State and local law enforcement may cooperate with Federal officials to protect our communities from violent criminals and suspected terrorists who are illegally present in the United States.

IN THE SENATE OF THE UNITED STATES—115th Cong., 2d Sess.

**H. R. 2579**

**AMENDMENT N<sup>o</sup> 1948**

By Toomey

To: \_\_\_\_\_

HR2579

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**Page(s)**

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TOOMEY  
*and Cruz*

VIZ:

- 1 At the appropriate place, insert the following:
- 2 **SEC. \_\_\_\_ . STOP DANGEROUS SANCTUARY CITIES ACT.**
- 3 (a) **SHORT TITLE.**—This section may be cited as the
- 4 “Stop Dangerous Sanctuary Cities Act”.
- 5 (b) **ENSURING THAT LOCAL AND FEDERAL LAW EN-**
- 6 **FORCEMENT OFFICERS MAY COOPERATE TO SAFEGUARD**
- 7 **OUR COMMUNITIES.**—
- 8 (1) **AUTHORITY TO COOPERATE WITH FEDERAL**
- 9 **OFFICIALS.**—A State, a political subdivision of a
- 10 State, or an officer, employee, or agent of such State

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

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

8 (B) with regard to actions taken to comply  
9 with the detainer, shall have all authority avail-  
10 able to officers and employees of the Depart-  
11 ment of Homeland Security.

12 (2) LEGAL PROCEEDINGS.—In any legal pro-  
13 ceeding brought against a State, a political subdivi-  
14 sion of a State, or an officer, employee, or agent of  
15 such State or political subdivision, which challenges  
16 the legality of the seizure or detention of an indi-  
17 vidual pursuant to a detainer issued by the Depart-  
18 ment of Homeland Security under section 236 or  
19 287 of the Immigration and Nationality Act (8  
20 U.S.C. 1226 and 1357)—

21 (A) no liability shall lie against the State  
22 or political subdivision of a State for actions  
23 taken in compliance with the detainer; and

1 (B) if the actions of the officer, employee,  
2 or agent of the State or political subdivision  
3 were taken in compliance with the detainer—

4 (i) the officer, employee, or agent  
5 shall be deemed—

6 (I) to be an employee of the Fed-  
7 eral Government and an investigative  
8 or law enforcement officer; and

9 (II) to have been acting within  
10 the scope of his or her employment  
11 under section 1346(b) and chapter  
12 171 of title 28, United States Code;

13 (ii) section 1346(b) of title 28, United  
14 States Code, shall provide the exclusive  
15 remedy for the plaintiff; and

16 (iii) the United States shall be sub-  
17 stituted as defendant in the proceeding.

18 (3) RULE OF CONSTRUCTION.—Nothing in this  
19 subsection may be construed to provide immunity to  
20 any person who knowingly violates the civil or con-  
21 stitutional rights of an individual.

22 (c) SANCTUARY JURISDICTION DEFINED.—

23 (1) IN GENERAL.—Except as provided under  
24 paragraph (2), for purposes of this section the term  
25 “sanctuary jurisdiction” means any State or political

1 subdivision of a State that has in effect a statute,  
2 ordinance, policy, or practice that prohibits or re-  
3 stricts any government entity or official from—

4 (A) sending, receiving, maintaining, or ex-  
5 changing with any Federal, State, or local gov-  
6 ernment entity information regarding the citi-  
7 zenship or immigration status (lawful or unlaw-  
8 ful) of any individual; or

9 (B) complying with a request lawfully  
10 made by the Department of Homeland Security  
11 under section 236 or 287 of the Immigration  
12 and Nationality Act (8 U.S.C. 1226 and 1357)  
13 to comply with a detainer for, or notify about  
14 the release of, an individual.

15 (2) EXCEPTION.—A State or political subdivi-  
16 sion of a State shall not be deemed a sanctuary ju-  
17 risdiction based solely on its having a policy whereby  
18 its officials will not share information regarding, or  
19 comply with a request made by the Department of  
20 Homeland Security under section 236 or 287 of the  
21 Immigration and Nationality Act (8 U.S.C. 1226  
22 and 1357) to comply with a detainer regarding, an  
23 individual who comes forward as a victim or a wit-  
24 ness to a criminal offense.

1 (d) SANCTUARY JURISDICTIONS INELIGIBLE FOR  
2 CERTAIN FEDERAL FUNDS.—

3 (1) ECONOMIC DEVELOPMENT ADMINISTRATION  
4 GRANTS.—

5 (A) GRANTS FOR PUBLIC WORKS AND ECO-  
6 NOMIC DEVELOPMENT.—Section 201(b) of the  
7 Public Works and Economic Development Act  
8 of 1965 (42 U.S.C. 3141(b)) is amended—

9 (i) in paragraph (2), by striking  
10 “and” at the end;

11 (ii) in paragraph (3)(B), by striking  
12 the period at the end and inserting “;  
13 and”; and

14 (iii) by adding at the end the fol-  
15 lowing:

16 “(4) the area in which the project is to be car-  
17 ried out is not a sanctuary jurisdiction (as defined  
18 in subsection (c) of the Stop Dangerous Sanctuary  
19 Cities Act).”.

20 (B) GRANTS FOR PLANNING AND ADMINIS-  
21 TRATION.—Section 203(a) of the Public Works  
22 and Economic Development Act of 1965 (42  
23 U.S.C. 3143(a)) is amended by adding at the  
24 end the following: “A sanctuary jurisdiction (as  
25 defined in subsection (c) of the Stop Dangerous

1 Sanctuary Cities Act) may not be deemed an el-  
2 igible recipient under this subsection.”.

3 (C) SUPPLEMENTARY GRANTS.—Section  
4 205(a) of the Public Works and Economic De-  
5 velopment Act of 1965 (42 U.S.C. 3145(a)) is  
6 amended—

7 (i) in paragraph (2), by striking  
8 “and” at the end;

9 (ii) in paragraph (3)(B), by striking  
10 the period at the end and inserting “;  
11 and”; and

12 (iii) by adding at the end the fol-  
13 lowing:

14 “(4) will be carried out in an area that does not  
15 contain a sanctuary jurisdiction (as defined in sub-  
16 section (c) of the Stop Dangerous Sanctuary Cities  
17 Act).”.

18 (D) GRANTS FOR TRAINING, RESEARCH,  
19 AND TECHNICAL ASSISTANCE.—Section 207 of  
20 the Public Works and Economic Development  
21 Act of 1965 (42 U.S.C. 3147) is amended by  
22 adding at the end the following:

23 “(e) INELIGIBILITY OF SANCTUARY JURISDIC-  
24 TIONS.—Grants funds under this section may not be used  
25 to provide assistance to a sanctuary jurisdiction (as de-

1 fined in subsection (c) of the Stop Dangerous Sanctuary  
2 Cities Act).”.

3           (2)    COMMUNITY    DEVELOPMENT    BLOCK  
4           GRANTS.—Title I of the Housing and Community  
5           Development Act of 1974 (42 U.S.C. 5301 et seq.)  
6           is amended—

7                   (A) in section 102(a) (42 U.S.C. 5302(a)),  
8                   by adding at the end the following:

9                   “(25) The term ‘sanctuary jurisdiction’ has the  
10                  meaning provided in subsection (c) of the Stop Dan-  
11                  gerous Sanctuary Cities Act.”.

12                  (B) in section 104 (42 U.S.C. 5304)—

13                   (i) in subsection (b)—

14                           (I) in paragraph (5), by striking  
15                           “and” at the end;

16                           (II) by redesignating paragraph  
17                           (6) as paragraph (7); and

18                           (III) by inserting after paragraph  
19                           (5) the following:

20                   “(6) the grantee is not a sanctuary jurisdiction  
21                   and will not become a sanctuary jurisdiction during  
22                   the period for which the grantee receives a grant  
23                   under this title; and”.

24                   (ii) by adding at the end the fol-  
25                   lowing:

1       “(n) PROTECTION OF INDIVIDUALS AGAINST  
2 CRIME.—

3           “(1) IN GENERAL.—No funds authorized to be  
4 appropriated to carry out this title may be obligated  
5 or expended for any State or unit of general local  
6 government that is a sanctuary jurisdiction.

7           “(2) RETURNED AMOUNTS.—

8           “(A) STATE.—If a State is a sanctuary ju-  
9 risdiction during the period for which it receives  
10 amounts under this title, the Secretary—

11           “(i) shall direct the State to imme-  
12 diately return to the Secretary any such  
13 amounts that the State received for that  
14 period; and

15           “(ii) shall reallocate amounts returned  
16 under clause (i) for grants under this title  
17 to other States that are not sanctuary ju-  
18 risdications.

19           “(B) UNIT OF GENERAL LOCAL GOVERN-  
20 MENT.—If a unit of general local government is  
21 a sanctuary jurisdiction during the period for  
22 which it receives amounts under this title, any  
23 such amounts that the unit of general local gov-  
24 ernment received for that period—



1                   “(i) in the case of a unit of general  
2                   local government that is not in a non-  
3                   entitlement area, shall be returned to the  
4                   Secretary for grants under this title to  
5                   States and other units of general local gov-  
6                   ernment that are not sanctuary jurisdic-  
7                   tions; and

8                   “(ii) in the case of a unit of general  
9                   local government that is in a nonentitle-  
10                  ment area, shall be returned to the Gov-  
11                  ernor of the State for grants under this  
12                  title to other units of general local govern-  
13                  ment in the State that are not sanctuary  
14                  jurisdictions.

15                  “(C) REALLOCATION RULES.—In reallo-  
16                  cating amounts under subparagraphs (A) and  
17                  (B), the Secretary shall—

18                         “(i) apply the relevant allocation for-  
19                         mula under subsection (b), with all sanc-  
20                         tuary jurisdictions excluded; and

21                         “(ii) shall not be subject to the rules  
22                         for reallocation under subsection (c).”.

23                  (3) EFFECTIVE DATE.—This subsection and the  
24                  amendments made by this subsection shall take ef-  
25                  fect on October 1, 2018.