

117TH CONGRESS
1ST SESSION

S. 42

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

JANUARY 26, 2021

Mr. TOOMEY (for himself, Mr. JOHNSON, Mr. TILLIS, Mrs. BLACKBURN, Mr. RISCH, Mr. BLUNT, Mr. COTTON, Mr. GRASSLEY, Mr. TUBERVILLE, Mr. PAUL, Mr. INHOFE, Mr. DAINES, Mrs. FISCHER, Mr. BOOZMAN, Mr. BRAUN, and Mr. CORNYN) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

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.

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.**

4 This Act may be cited as the “Stop Dangerous Sanc-
5 tuary Cities Act”.

1 **SEC. 2. ENSURING THAT LOCAL AND FEDERAL LAW EN-**
2 **FORCEMENT OFFICERS MAY COOPERATE TO**
3 **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) with regard to actions taken to comply with
14 the detainer, shall have all authority available to of-
15 ficers and employees of the Department of Home-
16 land Security.

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, which challenges the legality of the seizure or
21 detention of an individual pursuant to a detainer issued
22 by the Department of Homeland Security under section
23 236 or 287 of the Immigration and Nationality Act (8
24 U.S.C. 1226 and 1357)—

1 (1) no liability shall lie against the State or po-
 2 litical subdivision of a State for actions taken in
 3 compliance 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 compliance 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) and chapter 171 of title 28,
 15 United States Code;

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.

1 **SEC. 3. SANCTUARY JURISDICTION DEFINED.**

2 (a) IN GENERAL.—Except as provided under sub-
3 section (b), for purposes of this Act, the term “sanctuary
4 jurisdiction” means any State or political subdivision of
5 a State that has in effect a statute, ordinance, policy, or
6 practice that prohibits or restricts any government entity
7 or official from—

8 (1) sending, receiving, maintaining, or exchang-
9 ing with any Federal, State, or local government en-
10 tity information regarding the citizenship or immi-
11 gration status (lawful or unlawful) of any individual;
12 or

13 (2) complying with a request lawfully made by
14 the Department of Homeland Security under section
15 236 or 287 of the Immigration and Nationality Act
16 (8 U.S.C. 1226 and 1357) to comply with a detainer
17 for, or notify about the release of, an individual.

18 (b) EXCEPTION.—A State or political subdivision of
19 a State shall not be deemed a sanctuary jurisdiction based
20 solely on its having a policy whereby its officials will not
21 share information regarding, or comply with a request
22 made by the Department of Homeland Security under sec-
23 tion 236 or 287 of the Immigration and Nationality Act
24 (8 U.S.C. 1226 and 1357) to comply with a detainer re-
25 garding, an individual who comes forward as a victim or
26 a witness to a criminal offense.

1 **SEC. 4. SANCTUARY JURISDICTIONS INELIGIBLE FOR CER-**
 2 **TAIN FEDERAL FUNDS.**

3 (a) ECONOMIC DEVELOPMENT ADMINISTRATION
 4 GRANTS.—

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

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

11 (B) in paragraph (3), by striking the pe-
 12 riod at the end and inserting “; and”; and

13 (C) by adding at the end the following:

14 “(4) the area in which the project is to be car-
 15 ried out is not a sanctuary jurisdiction (as defined
 16 in section 3 of the Stop Dangerous Sanctuary Cities
 17 Act).”.

18 (2) GRANTS FOR PLANNING AND ADMINISTRA-
 19 TIVE EXPENSES.—Section 203(a) of the Public
 20 Works and Economic Development Act of 1965 (42
 21 U.S.C. 3143(a)) is amended by adding at the end
 22 the following: “A sanctuary jurisdiction (as defined
 23 in section 3 of the Stop Dangerous Sanctuary Cities
 24 Act) may not be deemed an eligible recipient under
 25 this subsection.”.

1 (3) SUPPLEMENTARY GRANTS.—Section 205(a)
2 of the Public Works and Economic Development Act
3 of 1965 (42 U.S.C. 3145(a)) is amended—

4 (A) in paragraph (2), by striking “and” at
5 the end;

6 (B) in paragraph (3)(B), by striking the
7 period at the end and inserting “; and”; and

8 (C) by adding at the end the following:

9 “(4) will be carried out in an area that does not
10 contain a sanctuary jurisdiction (as defined in sec-
11 tion 3 of the Stop Dangerous Sanctuary Cities
12 Act).”.

13 (4) GRANTS FOR TRAINING, RESEARCH, AND
14 TECHNICAL ASSISTANCE.—Section 207 of the Public
15 Works and Economic Development Act of 1965 (42
16 U.S.C. 3147) is amended by adding at the end the
17 following:

18 “(c) INELIGIBILITY OF SANCTUARY JURISDIC-
19 TIONS.—Grant funds authorized under this section may
20 not be used to provide assistance to a sanctuary jurisdic-
21 tion (as defined in section 3 of the Stop Dangerous Sanc-
22 tuary Cities Act).”.

23 (b) COMMUNITY DEVELOPMENT BLOCK GRANTS.—
24 Title I of the Housing and Community Development Act
25 of 1974 (42 U.S.C. 5301 et seq.) is amended—

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

3 “(25) The term ‘sanctuary jurisdiction’ has the
4 meaning provided in section 3 of the Stop Dan-
5 gerous Sanctuary Cities Act.”; and

6 (2) in section 104(b) (42 U.S.C. 5304(b))—

7 (A) in paragraph (5), by striking “and” at
8 the end;

9 (B) by redesignating paragraph (6) as
10 paragraph (7); and

11 (C) by inserting after paragraph (5) the
12 following:

13 “(6) the grantee is not a sanctuary jurisdiction
14 and will not become a sanctuary jurisdiction during
15 the period for which the grantee receives a grant
16 under this title; and”; and

17 (3) in section 106 (42 U.S.C. 5306), by adding
18 at the end the following:

19 “(g) PROTECTION OF INDIVIDUALS AGAINST
20 CRIME.—

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

25 “(2) RETURNED AMOUNTS.—

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

4 “(i) shall direct the State to imme-
5 diately return to the Secretary any such
6 amounts that the State received for that
7 period; and

8 “(ii) shall reallocate amounts returned
9 under clause (i) for grants under this title
10 to other States that are not sanctuary ju-
11 risdictions.

12 “(B) UNIT OF GENERAL LOCAL GOVERN-
13 MENT.—If a unit of general local government is
14 a sanctuary jurisdiction during the period for
15 which it receives amounts under this title, any
16 such amounts that the unit of general local gov-
17 ernment received for that period—

18 “(i) in the case of a unit of general
19 local government that is not in a non-
20 entitlement area, shall be returned to the
21 Secretary for grants under this title to
22 States and other units of general local gov-
23 ernment that are not sanctuary jurisdic-
24 tions; and

1 “(ii) in the case of a unit of general
 2 local government that is in a nonentitle-
 3 ment area, shall be returned to the Gov-
 4 ernor of the State for grants under this
 5 title to other units of general local govern-
 6 ment in the State that are not sanctuary
 7 jurisdictions.

8 “(C) REALLOCATION RULES.—In reallo-
 9 cating amounts under subparagraphs (A) and
 10 (B), the Secretary—

11 “(i) shall apply the relevant allocation
 12 formula under subsection (b), with all
 13 sanctuary jurisdictions excluded; and

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

16 (c) EFFECTIVE DATE.—This section and the amend-
 17 ments made by this section shall take effect on October
 18 1, 2021.

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