

115TH CONGRESS
1ST SESSION

H. R. 400

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 HOUSE OF REPRESENTATIVES

JANUARY 10, 2017

Mrs. BLACK (for herself, Mr. ALLEN, Mr. AMODEI, Mr. BABIN, Mrs. BLACKBURN, Mr. BRAT, Mr. BRIDENSTINE, Mr. BROOKS of Alabama, Mr. BUCK, Mr. BUCSHON, Mr. BYRNE, Mr. CARTER of Georgia, Mr. COOK, Mr. CRAMER, Mr. DAVIDSON, Mr. DESJARLAIS, Mr. FLEISCHMANN, Mr. FLORES, Mr. FRANKS of Arizona, Mr. GIBBS, Mr. GOHMERT, Mr. GOSAR, Mr. GRAVES of Louisiana, Mr. GRAVES of Missouri, Mr. GRAVES of Georgia, Mr. GROTHMAN, Mr. HARRIS, Mr. HENSARLING, Mr. JODY B. HICE of Georgia, Mr. KELLY of Pennsylvania, Mr. SAM JOHNSON of Texas, Mr. JONES, Mr. JOYCE of Ohio, Mr. LAMALFA, Mr. LAMBORN, Mr. LONG, Mr. MARINO, Mr. MCCLINTOCK, Mr. MEADOWS, Mr. OLSON, Mr. PALAZZO, Mr. PITTENGER, Mr. RENACCI, Mr. ROE of Tennessee, Mr. ROGERS of Alabama, Mr. SCHWEIKERT, Mr. SMITH of Texas, Mr. WEBER of Texas, Mr. YOHO, Mr. RATCLIFFE, Mr. HUDSON, Mr. POSEY, Mr. LATTA, Mr. AUSTIN SCOTT of Georgia, Mr. DUNCAN of South Carolina, Mr. KUSTOFF of Tennessee, Mr. JENKINS of West Virginia, Mr. MARCHANT, Mr. CHABOT, and Mr. COMER) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committees on Transportation and Infrastructure, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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”.

6 **SEC. 2. ENSURING THAT LOCAL AND FEDERAL LAW EN-**
7 **FORCEMENT OFFICERS MAY COOPERATE TO**
8 **SAFEGUARD OUR COMMUNITIES.**

9 (a) **AUTHORITY TO COOPERATE WITH FEDERAL OF-**
10 **FICIALS.**—A State, a political subdivision of a State, or
11 an officer, employee, or agent of such State or political
12 subdivision that complies with a detainer issued by the De-
13 partment of Homeland Security under section 236 or 287
14 of the Immigration and Nationality Act (8 U.S.C. 1226
15 and 1357)—

16 (1) shall be deemed to be acting as an agent of
17 the Department of Homeland Security; and

18 (2) with regard to actions taken to comply with
19 the detainer, shall have all authority available to of-
20 ficers and employees of the Department of Home-
21 land Security.

22 (b) **LEGAL PROCEEDINGS.**—In any legal proceeding
23 brought against a State, a political subdivision of a State,
24 or an officer, employee, or agent of such State or political

1 subdivision, which challenges the legality of the seizure or
2 detention of an individual pursuant to a detainer issued
3 by the Department of Homeland Security under section
4 236 or 287 of the Immigration and Nationality Act (8
5 U.S.C. 1226 and 1357)—

6 (1) no liability shall lie against the State or po-
7 litical subdivision of a State for actions taken in
8 compliance with the detainer; and

9 (2) if the actions of the officer, employee, or
10 agent of the State or political subdivision were taken
11 in compliance with the detainer—

12 (A) the officer, employee, or agent shall be
13 deemed—

14 (i) to be an employee of the Federal
15 Government and an investigative or law
16 enforcement officer; and

17 (ii) to have been acting within the
18 scope of his or her employment under sec-
19 tion 1346(b) and chapter 171 of title 28,
20 United States Code;

21 (B) section 1346(b) of title 28, United
22 States Code, shall provide the exclusive remedy
23 for the plaintiff; and

24 (C) the United States shall be substituted
25 as defendant in the proceeding.

1 (c) RULE OF CONSTRUCTION.—Nothing in this sec-
2 tion may be construed to provide immunity to any person
3 who knowingly violates the civil or constitutional rights of
4 an individual.

5 **SEC. 3. SANCTUARY JURISDICTION DEFINED.**

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

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

17 (2) complying with a request lawfully made by
18 the Department of Homeland Security under section
19 236 or 287 of the Immigration and Nationality Act
20 (8 U.S.C. 1226 and 1357) to comply with a detainer
21 for, or notify about the release of, an individual.

22 (b) EXCEPTION.—A State or political subdivision of
23 a State shall not be deemed a sanctuary jurisdiction based
24 solely on its having a policy whereby its officials will not
25 share information regarding, or comply with a request

1 made by the Department of Homeland Security under sec-
2 tion 236 or 287 of the Immigration and Nationality Act
3 (8 U.S.C. 1226 and 1357) to comply with a detainer re-
4 garding, an individual who comes forward as a victim or
5 a witness to a criminal offense.

6 **SEC. 4. SANCTUARY JURISDICTIONS INELIGIBLE FOR CER-**
7 **TAIN FEDERAL FUNDS.**

8 (a) ECONOMIC DEVELOPMENT ADMINISTRATION
9 GRANTS.—

10 (1) GRANTS FOR PUBLIC WORKS AND ECO-
11 NOMIC DEVELOPMENT.—Section 201(b) of the Pub-
12 lic Works and Economic Development Act of 1965
13 (42 U.S.C. 3141(b)) is amended—

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

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

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

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

23 (2) GRANTS FOR PLANNING AND ADMINISTRA-
24 TIVE EXPENSES.—Section 203(a) of the Public
25 Works and Economic Development Act of 1965 (42

1 U.S.C. 3143(a)) is amended by adding at the end
2 the following: “A sanctuary jurisdiction (as defined
3 in section 3 of the Stop Dangerous Sanctuary Cities
4 Act) may not be deemed an eligible recipient under
5 this subsection.”.

6 (3) SUPPLEMENTARY GRANTS.—Section 205(a)
7 of the Public Works and Economic Development Act
8 of 1965 (42 U.S.C. 3145(a)) 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) will be carried out in an area that does not
15 contain a sanctuary jurisdiction (as defined in sec-
16 tion 3 of the Stop Dangerous Sanctuary Cities
17 Act).”.

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

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

1 fined in section 3 of the Stop Dangerous Sanctuary Cities
2 Act).”.

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

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

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

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

12 (A) subsection (b)—

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

15 (ii) by redesignating paragraph (6) as
16 paragraph (7); and

17 (iii) by inserting after paragraph (5)
18 the following:

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

23 (B) by adding at the end the following:

24 “(n) PROTECTION OF INDIVIDUALS AGAINST
25 CRIME.—

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

5 “(2) RETURNED AMOUNTS.—

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

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

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

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

23 “(i) in the case of a unit of general
24 local government that is not in a non-
25 entitlement area, shall be returned to the

1 Secretary for grants under this title to
2 States and other units of general local gov-
3 ernment that are not sanctuary jurisdic-
4 tions; and

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

12 “(C) REALLOCATION RULES.—In reallo-
13 cating amounts under subparagraphs (A) and
14 (B), the Secretary shall—

15 “(i) apply the relevant allocation for-
16 mula under section 106(b), with all sanc-
17 tuary jurisdictions excluded; and

18 “(ii) shall not be subject to the rules
19 for reallocation under section 106(c).”.

20 (c) EFFECTIVE DATE.—This section shall take effect
21 on October 1, 2017.

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