

117TH CONGRESS
1ST SESSION

S. 875

To make any city or county that has in effect any law or ordinance that is in violation of Federal immigration law ineligible for any Federal grant, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 18, 2021

Mr. KENNEDY introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To make any city or county that has in effect any law or ordinance that is in violation of Federal immigration law ineligible for any Federal grant, and for other purposes.

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 “Ending Sanctuary Cit-
5 ies Act of 2021”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

1 (1) The term “detainer” means any order or re-
2 quest by the Secretary of Homeland Security—

3 (A) to temporarily hold an alien in custody
4 until such alien may be taken into Federal cus-
5 tody;

6 (B) to transport an alien for transfer to
7 Federal custody; or

8 (C) to notify the Secretary of Homeland
9 Security before the release of an alien from
10 State or local custody.

11 (2) The term “immigration laws” has the
12 meaning given such term under section 101 of the
13 Immigration and Nationality Act (8 U.S.C. 1101).

14 (3) The term “unit of local government” has
15 the meaning given such term under section
16 901(a)(3) of the Omnibus Crime Control and Safe
17 Streets Act of 1968 (34 U.S.C. 10251(a)(3)).

18 **SEC. 3. INELIGIBILITY FOR FEDERAL GRANTS OF CERTAIN**
19 **JURISDICTIONS THAT VIOLATE THE IMMI-**
20 **GRATION LAWS.**

21 (a) **INELIGIBLE JURISDICTIONS.**—A State or unit of
22 local government is an ineligible jurisdiction for purposes
23 of this section if such State or unit of local government—

1 (1) violates section 642 of the Illegal Immigra-
2 tion Reform and Immigrant Responsibility Act of
3 1996 (8 U.S.C. 1373);

4 (2) otherwise restricts compliance with a de-
5 tainer issued by the Secretary of Homeland Secu-
6 rity; or

7 (3) has any law or policy in effect that violates
8 the immigration laws.

9 (b) ANNUAL DETERMINATION OF INELIGIBLE JURIS-
10 DICTIONS.—Not later than 1 year after the date of the
11 enactment of this Act, and annually thereafter, the Sec-
12 retary of Homeland Security shall—

13 (1) determine which States and units of local
14 government are ineligible jurisdictions based on the
15 criteria set forth in subsection (a); and

16 (2) submit a list of such ineligible jurisdictions,
17 including the specific criteria upon which each such
18 determination was based, to Congress.

19 (c) PROHIBITION ON FEDERAL FINANCIAL ASSIST-
20 ANCE.—A State or unit of local government may not re-
21 ceive any Federal financial assistance (as such term is de-
22 fined in section 7501(a)(5) of title 31, United States
23 Code) for the fiscal year following any fiscal year in which
24 the Secretary of Homeland Security determines that such

1 State or unit of local government is an ineligible jurisdic-
 2 tion under this section.

3 **SEC. 4. LIMITATION ON LIABILITY FOR COMPLIANCE WITH**
 4 **DETAINER.**

5 A State or unit of local government, and any law en-
 6 forcement officer of such State or unit of local govern-
 7 ment, acting in compliance with a detainer issued by the
 8 Secretary of Homeland Security, shall be considered to be
 9 acting under color of Federal authority for purposes of
 10 determining liability, and immunity from suit, in any civil
 11 action brought by the alien under Federal or State law.

12 **SEC. 5. WORKPLACE PROTECTIONS FOR LAW ENFORCE-**
 13 **MENT.**

14 Section 15(a) of the Fair Labor Standards Act (29
 15 U.S.C. 215(a)) is amended—

16 (1) in paragraph (5), by striking the period at
 17 the end and inserting “; or”; and

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

19 “(6) in the case of a State or unit of local gov-
 20 ernment, to discharge or in any other manner dis-
 21 criminate against any law enforcement officer of
 22 that State or unit of local government because such
 23 law enforcement officer has taken any action to com-
 24 ply with a detainer (as such term is defined in sec-

1 tion 2 of the Ending Sanctuary Cities Act of 2021)
2 issued by the Secretary of Homeland Security.”.

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