

116TH CONGRESS
1ST SESSION

H. R. 3000

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

MAY 23, 2019

Mr. MCCLINTOCK (for himself, Mr. LAHOOD, Mr. BROOKS of Alabama, Mr. RESCHENTHALER, Mr. RATCLIFFE, Mr. LAMALFA, Mr. GAETZ, Mr. DUNCAN, Mr. GOSAR, Mr. BUDD, Mr. LONG, Mr. WALKER, Mr. BABIN, Mr. ARRINGTON, Mrs. MILLER, Mr. COOK, Mr. GIBBS, Mr. DESJARLAIS, Mr. HUNTER, Mr. GOHMERT, Mr. MOOLENAAR, Mr. BIGGS, and Mr. WRIGHT) 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,*

1 **SECTION 1. SHORT TITLE.**

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

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

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

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

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

20 (b) **LEGAL PROCEEDINGS.**—In any legal proceeding
21 brought against a State, a political subdivision of a State,
22 or an officer, employee, or agent of such State or political
23 subdivision, which challenges the legality of the seizure or
24 detention of an individual pursuant to a detainer issued
25 by the Department of Homeland Security under section

1 236 or 287 of the Immigration and Nationality Act (8
2 U.S.C. 1226 and 1357)—

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

6 (2) if the actions of the officer, employee, or
7 agent of the State or political subdivision were taken
8 in compliance with the detainer—

9 (A) the officer, employee, or agent shall be
10 deemed—

11 (i) to be an employee of the Federal
12 Government and an investigative or law
13 enforcement officer; and

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

18 (B) section 1346(b) of title 28, United
19 States Code, shall provide the exclusive remedy
20 for the plaintiff; and

21 (C) the United States shall be substituted
22 as defendant in the proceeding.

23 (c) RULE OF CONSTRUCTION.—Nothing in this sec-
24 tion may be construed to provide immunity to any person

1 who knowingly violates the civil or constitutional rights of
2 an individual.

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

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

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

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

20 (b) EXCEPTION.—A State or political subdivision of
21 a State shall not be deemed a sanctuary jurisdiction based
22 solely on its having a policy whereby its officials will not
23 share information regarding, or comply with a request
24 made by the Department of Homeland Security under sec-
25 tion 236 or 287 of the Immigration and Nationality Act

1 (8 U.S.C. 1226 and 1357) to comply with a detainer re-
 2 garding, an individual who comes forward as a victim or
 3 a witness to a criminal offense.

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

6 (a) ECONOMIC DEVELOPMENT ADMINISTRATION
 7 GRANTS.—

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

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

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

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

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

21 (2) GRANTS FOR PLANNING AND ADMINISTRA-
 22 TIVE EXPENSES.—Section 203(a) of the Public
 23 Works and Economic Development Act of 1965 (42
 24 U.S.C. 3143(a)) is amended by adding at the end
 25 the following: “A sanctuary jurisdiction (as defined

1 in section 3 of the Stop Dangerous Sanctuary Cities
2 Act) may not be deemed an eligible recipient under
3 this subsection.”.

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

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

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

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

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

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

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

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

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

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

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

10 (A) subsection (b)—

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

13 (ii) by redesignating paragraph (6) as
14 paragraph (7); and

15 (iii) by inserting after paragraph (5)
16 the following:

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

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

22 “(n) PROTECTION OF INDIVIDUALS AGAINST
23 CRIME.—

24 “(1) IN GENERAL.—No funds authorized to be
25 appropriated to carry out this title may be obligated

1 or expended for any State or unit of general local
2 government that is a sanctuary jurisdiction.

3 “(2) RETURNED AMOUNTS.—

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

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

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

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

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

ernment that are not sanctuary jurisdictions; and

“(ii) in the case of a unit of general local government that is in a nonentitlement area, shall be returned to the Governor of the State for grants under this title to other units of general local government in the State that are not sanctuary jurisdictions.

“(C) REALLOCATION RULES.—In reallocating amounts under subparagraphs (A) and (B), the Secretary shall—

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

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

(c) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on October 1, 2019.

○