

if you were 18 years old. So for all these young pages down here who are not supposed to be smoking cigarettes, the law currently says you cannot put them in jail for smoking cigarettes—and you shouldn't smoke cigarettes regardless. However, if a juvenile goes before a juvenile judge and the juvenile judge issues a valid court order and tells him "Don't smoke any more cigarettes, don't skip school, and don't run away from home" and that juvenile flaunts the authority of the judge, that judge needs some mechanism to enforce his orders. That is no longer a status offense; that is contempt of court. In my many conversations with Arkansans—be it judges, prosecutors, parents, or public defenders—they have said repeatedly that the judge needs that authority to get the attention of that juvenile delinquent.

I want this legislation to pass, as I said 9 months ago in a colloquy with the Senator from Rhode Island. I thought we had an agreement worked out about a provision on the inherent authority of judges. It didn't work out, but we worked together in good faith on it. On multiple occasions, I worked with the chairman of the Judiciary Committee to resolve some of these issues.

Some activists say that we shouldn't do this to kids who are so young, so I proposed an age floor in the teenage years. Some say they might be corrupted or hardened by even more hardcore juvenile delinquents in a detention facility. I said let's impose a separation requirement. Some activists have said that they could be detained indefinitely. I said that is fine too; let's put a time limit on how long they can be detained. But repeatedly we have been told this legislation cannot be changed.

I would submit to the Senate that these are all small, reasonable changes that would allow this legislation to move forward quickly in the Senate here in these final couple weeks and again on the suspension calendar in the House of Representatives. But when Arkansans have specifically passed justice reform legislation in recent years in our legislature and they retained this authority of juvenile judges not to detain delinquents for their status offenses but because they disobeyed a valid court order, I don't think we in Washington should dictate a single one-size-fits-all solution for every State in the Union.

This legislation or legislation like it has come before the Senate multiple times in recent years, and every time it is hung up on this specific issue. I want to protect Arkansas' interests. I want to ensure that judges can enforce their own orders. I want to do what is best for the people of my State and our criminal justice system. I also want to pass this legislation. So I would offer to both proponents of this legislation that we continue to try to address some of these proposals I have made, but until then, I am going to have to, regrettably, object.

The PRESIDING OFFICER. Objection is heard.

Mr. GRASSLEY. Madam President, I am disappointed that the Senator from Arkansas continues to impose the only remaining roadblock to passage of this critical piece of legislation.

Back in February, Senator COTTON indicated a willingness to work with Senator WHITEHOUSE and me to resolve our sole point of disagreement. Senator CORNYN tried to resolve our differences as well. As you can see, we are still at an impasse.

Our disagreement stems from a 42-year-old provision of the federal juvenile justice law that encourages States to phase out the detention of children who commit infractions, such as running away from home, skipping school, disobeying parents, or underage tobacco use. This statutory provision—which has been on the books since 1974—extends a "carrot" in the form of Federal grant funds, to any State that commits to deinstitutionalizing juveniles who commit extremely minor infractions, also known as "status offenses."

The reason for this core protection is simple: Locking up children for conduct, like running away or underage tobacco use, which could never, ever result in an adult's being jailed, defies logic and common sense.

For example, when you lock up a child for truancy, you ensure that the child will miss even more school and fall even further behind in schoolwork. At the same time you have done little, if anything, to resolve the underlying issue that led to the truancy. Similarly, very little is accomplished by locking up a repeat runaway who is being abused at home.

I urge my colleague to consider what happens when a judge sends an especially young child, who has committed the most minor infraction, known as a "status offense," in juvenile detention with hardened or violent offenders. That young child, who has committed no crime whatsoever, is particularly vulnerable to abuse by older juveniles in detention.

Consider, too, that some of these children come from broken homes or have mental health issues. They are among the most vulnerable members of our communities and need our help. They don't need to be dumped in a detention facility where they will be exposed to violent criminals who have committed much more serious crimes than skipping school.

In the decades since 1974, Congress made good on its pledge to appropriate resources for every State that committed to fulfill the core requirements under the federal juvenile justice statute. About half of the States, recognizing that the detention of status offenders is mostly ineffective and tremendously costly, have made good on their commitment under this grant program. These States have phased out the practice of locking up status offenders entirely.

In another couple dozen States, judges invoke the "valid court order" exception sparingly. The exception is just that, an exception to be invoked only rarely. Status offenders end up in detention only occasionally in these states.

But in a tiny handful of States, some judges send status offenders to detention much more regularly. It has been reported that some of the children in detention for status offenses in one state are as young as 8 or 9. Juvenile advocates have charged that some judges are sending status offenders to detention as a general practice, which has led to calls for reform.

The Arkansas legislature has chosen to retain the option of jailing children for status offenses as a last resort option. This bill does not change that. This bill is not a mandate that would override the State's law. It merely lays out conditions for receiving Federal grant money. Arkansas is still free to not comply with the conditions set forth in this legislation.

I want to remind my colleague that over 100 nonprofit groups, numerous judges, and about 1000 law enforcement officers support this legislation. They agree that detaining child status offenders is not good public policy, based on significant research that points to the same conclusion.

I would also remind my colleagues that judges have multiple other options to hold these juveniles accountable. The other options include, for example, suspending the juvenile's driver's license, imposing fines, or ordering the juvenile into counseling, with or without parents. Counseling and other community-based alternatives not only cost much less, but are more effective than locking up children alongside violent criminals, research suggests.

This one issue is holding up a bill that is vital to help the children in our country.

Once again, I would like to point out that this legislation does not affect State law in Arkansas. We are merely imposing conditions to receiving Federal grant money. If this bill passes, which I hope will happen today, Arkansas is free to continue to invoke "the valid court exception." So I ask that the Senator lift his hold on this critical piece of legislation.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

#### STOP DANGEROUS SANCTUARY CITIES ACT

Mr. TOOMEY. Madam President, I have spoken before on the floor about the tremendous dangers that arise from cities across America that choose to be sanctuary cities. Recent events compel me to come back to the floor today.

Just this week, Federal law enforcement officers finally found Winston Enrique Perez Pilarte. Pilarte was an illegal immigrant from the Dominican

Republic. In July of 2015, a little over a year ago, Philadelphia police arrested Pilarte, a 40-year-old man, for the rape of a child. He had previously been convicted of drug trafficking, resisting arrest, and theft—convicted, sentenced, and went to jail—but he was released and rearrested. In 2015, when he was rearrested, he managed to raise the money necessary for bail. When the background check was done, Federal law enforcement asked the city of Philadelphia to hold him temporarily, after he had raised the money for bail, rather than simply releasing him—to hold him temporarily so they could pick him up and begin deportation proceedings. The city refused to cooperate, and they instead released this dangerous, previously convicted man who was here illegally, released him back onto the streets of Philadelphia. Pilarte roamed the streets of Philadelphia for a full year, doing who knows what, until just this week when Federal officials managed to find him and took him into custody.

Consider the case of Jose Palermo Ramirez. In 2013 this 43-year-old illegal immigrant was convicted of indecent assault on a 7-year-old girl. Federal immigration officials asked the city in this case to notify them when Palermo Ramirez completed his sentence and prior to his release so they could pick him up and begin the deportation proceedings of this person who was here illegally and obviously a dangerous and convicted criminal, but the city refused. Instead, they released this convicted child molester back out onto the city streets. Luckily for Pennsylvania families, Federal law enforcement officers were able to find and deport him, despite the lack of help from the city.

Maybe the most heartbreaking story is that of Ramon Ochoa. Ramon Ochoa is a Honduran immigrant who came here illegally in 2009. He was caught and he was deported. He found his way back into the United States and managed to get to Philadelphia. Last year Philadelphia police arrested him, and they had him in custody on charges of aggravated assault, making terrorist threats, resisting arrest, and harassment.

Again, when the background check was done, Federal law enforcement officials realized they knew who this was. He was here illegally, he had been deported previously, and he was violent and dangerous. They asked the city to cooperate with them so they could pick him up and begin deportation proceedings. Once again, Philadelphia refused. Instead, they released him back onto the city streets, where he continued to prey on others, and just 4 months ago, Ochoa was arrested, this time for raping a child under the age of 13.

How can this possibly happen? How can this possibly happen, that a city would knowingly, willfully, and repeatedly choose to release dangerous criminals, including child molesters who don't even have a right to be in the

United States in the first place because they came here illegally? It is just unbelievable, but this is what is happening, and it happens because Philadelphia is a sanctuary city. Let's be clear about what that means. That means it is the legal policy of the city of Philadelphia to forbid local law enforcement from even cooperating, even sharing information with Federal immigration officials when the person in question came here illegally. In many cases, we confer this special legal privilege on dangerous, violent criminals because they came here illegally. It is unbelievable.

This isn't the police's fault. Police would much rather be cooperating with Federal immigration officials. They are not allowed to because local politicians in cities across America have decided they will not allow it to take place. This is absurd. This is very dangerous, and small children in my State are paying the price for this.

This is why earlier this year I introduced legislation, which is called the Stop Dangerous Sanctuary Cities Act, and it would solve this problem. It does it with two components. The first is to eliminate the perceived, and understandably perceived, legal liability that communities have, municipalities have, and here is the nature of their concern. There is a court order that says if the Department of Homeland Security issues a detainer request—the request that you detain a person who is here illegally that they believe is violent—and you comply with that request, you detain the person, and it turns out the Department of Homeland Security had the wrong guy, the concern on the part of our municipalities is they can be sued for that.

My legislation solves that problem. It says: In a case like that, where a municipality complies with a bona fide detainer request, if the person is wrongly held and they have a cause of action they can take, they can do so, but that has to be against the Federal Government. It has to be against the entity that asked for the detainer.

That makes perfect sense, and it completely eliminates any legal liability on the part of the municipality that would then cooperate with these detainer requests and information requests. That is the first part, eliminate any danger of a legal liability.

The second part is, if a city, nevertheless, chooses that it wants to be a sanctuary city, then we should withhold some of the Federal funding we currently send to these cities. Specifically, my legislation would withhold community development block grants—very cherished by the city governments all across America—if they choose to endanger all of us by continuing to be sanctuary cities.

We had a vote on this. Last summer we had a vote. A majority of this body voted in favor of my legislation to bring an end to sanctuary cities this way, but unfortunately we didn't have the 60 votes we needed to overcome Senator REID's filibuster on this.

I am suggesting we revisit this because these appalling crimes are continuing to be committed, as of course they will, if cities keep releasing violent criminals back out onto our streets. In the meantime, I will suggest there is something that President-Elect Trump can do when he becomes President, and that would be he could issue an Executive order which would, I think, significantly limit dangerous sanctuary cities.

Let me be clear. The Executive action he could legally pursue would not be permanent. I don't think it would be as effective as the legislation I have introduced. It wouldn't have the legal force of a new law, but it would be a good start, and it would be fully consistent with his constitutional powers. That would be progress. I think it is very clear that we have to act.

How important is the rule of law to all of us? How important is the safety and security of the American people? How important are the childhoods of the victims we are hearing about repeatedly as recently as just this week? To me, the answer is clear. These are very important priorities, and we need to act. While we await the opportunity to enact this legislation, I hope our new President will take the Executive order steps he can to at least diminish this problem.

I yield the floor.

I suggest the absence of a quorum.

THE PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

THE PRESIDING OFFICER (Mr. TOOMEY). Without objection, it is so ordered.

Mr. ALEXANDER. Mr. President, I ask unanimous consent to use the time that I may require and that following my remarks, Senator CASSIDY and Senator MURPHY be recognized.

THE PRESIDING OFFICER. Without objection, it is so ordered.

#### SEVIER COUNTY, TENNESSEE, WILDFIRES

Mr. ALEXANDER. Mr. President, I come to the floor to speak on two matters. The first is the matter of wildfires in Tennessee.

Anybody who has been watching television the last few days has seen the devastation caused by the runaway wildfires just outside the Great Smoky Mountains National Park in Gatlinburg, TN. We are not used to that in Tennessee. I know we have debates on the floor, and we have colleagues who see the fires in the West where it doesn't rain much, a few inches of rain a year, but in the Great Smoky Mountains where I live—I live just outside of the park—we have 80, 83 inches of rain a year. We have dense forests, and this time of year the leaves are all over the ground, and usually there is a lot of rain to tamp that down.