

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—114th Cong., 1st Sess.

S. 1814

To withhold certain Federal funding from sanctuary cities.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended
to be proposed by Mr. GRASSLEY (for himself and Mr.
VITTER)

Viz:

1 Strike all after the enacting clause and insert the fol-
2 lowing:

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Stop Sanctuary Cities
5 Act”.

6 **SEC. 2. SANCTUARY JURISDICTION DEFINED.**

7 In this Act, the term “sanctuary jurisdiction” means
8 any State or political subdivision of a State, including any
9 law enforcement entity of a State or of a political subdivi-
10 sion of a State, that—

11 (1) has in effect a statute, ordinance, policy, or
12 practice that is in violation of subsection (a) or (b)

1 of section 642 of the Illegal Immigration Reform
2 and Immigrant Responsibility Act of 1996 (8 U.S.C.
3 1373); or

4 (2) fails to comply with a detainer that has
5 been lawfully issued or a request to notify about the
6 release of an alien made by the Department of
7 Homeland Security in accordance with section 236
8 and 287 of the Immigration and Nationality Act (8
9 U.S.C. 1226 and 1357) and section 287.7 of title 8,
10 Code of Federal Regulations.

11 **SEC. 3. LIMITATION ON GRANTS TO SANCTUARY JURISDIC-**
12 **TIONS.**

13 (a) INELIGIBILITY FOR GRANTS.—

14 (1) LAW ENFORCEMENT GRANTS.—

15 (A) SCAAP GRANTS.—A sanctuary juris-
16 diction shall not be eligible to receive funds pur-
17 suant to the State Criminal Alien Assistance
18 Program under section 241(i) of the Immigra-
19 tion and Nationality Act (8 U.S.C. 1231(i)).

20 (B) COPS GRANTS.—No law enforcement
21 entity of a State or of a political subdivision of
22 a State that has a departmental policy or prac-
23 tice that renders it a sanctuary jurisdiction, and
24 such a policy or practice is not required by stat-
25 ute, ordinance, or other codified law, or by

1 order of a chief executive officer of the jurisdic-
2 tion, or the executive or legislative board of the
3 jurisdiction, shall be eligible to receive funds di-
4 rectly or indirectly under the ‘Cops on the Beat’
5 program under part Q of title I of the Omnibus
6 Crime Control and Safe Streets Act of 1968
7 (42 U.S.C. 3796dd et seq.).

8 (C) ENFORCEMENT.—The Attorney Gen-
9 eral, in consultation with the Secretary of
10 Homeland Security, shall terminate the funding
11 described in subparagraph (A) or (B) to a State
12 or political subdivision of a State on the date
13 that is 30 days after the date on which a notifi-
14 cation described in subsection (d)(2) is made to
15 the State or subdivision, unless the Secretary of
16 Homeland Security, in consultation with the At-
17 torney General, determines the State or subdivi-
18 sion is no longer a sanctuary jurisdiction.

19 (2) COMMUNITY DEVELOPMENT BLOCK
20 GRANTS.—

21 (A) IN GENERAL.—Title I of the Housing
22 and Community Development Act of 1974 (42
23 U.S.C. 5301 et seq.) is amended—

24 (i) in section 102 (42 U.S.C. 5302),
25 by adding at the end the following:

1 “(25) The term ‘sanctuary jurisdiction’ means
2 any State or unit of general local government that—

3 “(A) has in effect a statute or policy or
4 practice that is in violation of subsection (a) or
5 (b) of section 642 of the Illegal Immigration
6 Reform and Immigrant Responsibility Act of
7 1996 (8 U.S.C. 1373); or

8 “(B) fails to comply with a detainer or re-
9 quest to notify about the release of an alien
10 that has been lawfully issued or made by the
11 Department of Homeland Security in accord-
12 ance with section 236 and 287 of the Immigra-
13 tion and Nationality Act (8 U.S.C. 1226 and
14 1357) and section 287.7 of title 8, Code of Fed-
15 eral Regulations.”; and

16 (ii) in section 104 (42 U.S.C. 5304)—

17 (I) in subsection (b)—

18 (aa) in paragraph (5), by
19 striking “and” at the end;

20 (bb) by redesignating para-
21 graph (6) as paragraph (7); and

22 (cc) by inserting after para-
23 graph (5) the following:

24 “(6) the grantee is not a sanctuary jurisdiction
25 and will not become a sanctuary jurisdiction during

1 the period for which the grantee receives a grant
2 under this title; and”;

3 (II) by adding at the end the fol-
4 lowing:

5 “(n) PROTECTION OF INDIVIDUALS AGAINST CRIMI-
6 NAL ALIENS.—

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

11 “(2) RETURNED AMOUNTS.—

12 “(A) STATE.—If a State is a sanctuary ju-
13 risdiction during the period for which the State
14 receives amounts under this title, the Sec-
15 retary—

16 “(i) shall direct the State to imme-
17 diately return to the Secretary any such
18 amounts that have not been obligated by
19 the State as of the date on which the State
20 became a sanctuary jurisdiction; and

21 “(ii) may use any returned amounts
22 under clause (i) to make grants to other
23 States that are not sanctuary jurisdictions
24 in accordance with this title.

1 “(B) UNIT OF GENERAL LOCAL GOVERN-
2 MENT.—If a unit of general local government is
3 a sanctuary jurisdiction during the period for
4 which the unit of general local government re-
5 ceives amounts under this title, any such
6 amounts that have not been obligated by the
7 unit of general local government as of the date
8 on which the unit of general local government
9 became a sanctuary jurisdiction—

10 “(i) in the case of a unit of general
11 local government that is in an entitlement
12 area, shall be returned to the Secretary to
13 make grants to States and other units of
14 general local government that are not
15 sanctuary jurisdictions in accordance with
16 this title; and

17 “(ii) in the case of a unit of general
18 local government that is in a nonentitle-
19 ment area, shall be returned to the Gov-
20 ernor of the State to make grants to other
21 units of general local government that are
22 not sanctuary jurisdictions in accordance
23 with this title.

24 “(o) ENFORCEMENT AGAINST FUNDING FOR SANC-
25 TUARY JURISDICTIONS.—

1 “(1) IN GENERAL.—The Secretary shall verify
2 on a quarterly basis whether a State or unit of gen-
3 eral local government is a sanctuary jurisdiction, as
4 determined by the Secretary of Homeland Security,
5 and is ineligible to receive a grant under this title
6 for purposes of subsections (b)(7) and (n).

7 “(2) NOTIFICATION.—If a State or unit of gen-
8 eral local government is verified to be a sanctuary
9 jurisdiction under paragraph (1), the Secretary shall
10 notify the State or unit of general local government
11 that it is ineligible to receive a grant under this
12 title.”.

13 (B) EFFECTIVE DATE.—The amendments
14 made by subparagraph (A) shall only apply with
15 respect to community development block grants
16 made under title I of the Housing and Commu-
17 nity Development Act (42 U.S.C. 5301 et seq.)
18 after the date of the enactment of this Act.

19 (b) REALLOCATION.—Notwithstanding the amend-
20 ments made by subsection (a)(2), any funds that are not
21 allocated to a State or political subdivision of a State pur-
22 suant to subsection (a) shall be reallocated to States and
23 political subdivisions of States that are not sanctuary ju-
24 risdictions.

1 (c) NOTIFICATION OF CONGRESS.—Not later than 5
2 days after a determination is made pursuant to subsection
3 (a) to terminate a grant or to refuse to award a grant,
4 the Secretary of Homeland Security shall submit to the
5 Committee on the Judiciary of the Senate and the Com-
6 mittee on the Judiciary of the House of Representatives
7 a report that fully describes the circumstances and basis
8 for the termination or refusal.

9 (d) TRANSPARENCY AND ACCOUNTABILITY.—Not
10 later than 60 days after the date of the enactment of this
11 Act, and quarterly thereafter, the Secretary of Homeland
12 Security and the Attorney General shall—

13 (1) determine the States and political subdivi-
14 sions of States that are sanctuary jurisdictions;

15 (2) notify each such State or subdivision that it
16 is determined to be a sanctuary jurisdiction; and

17 (3) publish on the website of the Department of
18 Homeland Security and of the Department of Jus-
19 tice—

20 (A) a list of each sanctuary jurisdiction;

21 (B) the total number of detainees and re-
22 quests for notification of the release of any
23 alien that has been issued or made to each
24 State or political subdivision of a State; and

1 (C) the number of such detainers and re-
2 quests for notification that have been ignored or
3 otherwise not honored, including the name of
4 the jurisdiction in which each such detainer or
5 request for notification was issued or made.

6 (e) IMMUNITY.—No liability shall lie with a State or
7 a political subdivision of a State that is acting in compli-
8 ance with a detainer or a request to notify about the re-
9 lease of an alien that has been lawfully issued or made
10 by the Department of Homeland Security in accordance
11 with sections 236 and 287 of the Immigration and Nation-
12 ality Act (8 U.S.C. 1226 and 1357) and section 287.7 of
13 title 8, Code of Federal Regulations, solely because the
14 State or political subdivision is holding an alien in compli-
15 ance with such detainer or request.

16 (f) RULE OF CONSTRUCTION.—Nothing in this sec-
17 tion may be construed to require law enforcement officials
18 of a State or a political subdivision of a State to provide
19 the Secretary of Homeland Security with information re-
20 lated to a victim or a witness to a criminal offense.

21 **SEC. 4. INCREASED PENALTIES FOR REENTRY OF RE-**
22 **MOVED ALIEN.**

23 Section 276 of the Immigration and Nationality Act
24 (8 U.S.C. 1326) is amended—

1 (1) in subsection (a), in the matter following
2 paragraph (2), by striking “fined under title 18,
3 United States Code, or imprisoned not more than 2
4 years, or both.” and inserting “fined under title 18,
5 United States Code, imprisoned not less than 5
6 years and not more than 6 years, or both.”; and

7 (2) in subsection (b)—

8 (A) in paragraph (1), by striking “fined
9 under title 18, United States Code, imprisoned
10 not more than 10 years, or both;” and inserting
11 “imprisoned not less than 5 years and not more
12 than 10 years, and may, in addition, be fined
13 under title 18, United States Code;”;

14 (B) in paragraph (2), by striking “fined
15 under such title, imprisoned not more than 20
16 years, or both;” and inserting “imprisoned not
17 less than 5 years and not more than 20 years
18 and may, in addition, be fined under such
19 title;”;

20 (C) in paragraph (4), by striking “fined
21 under title 18, United States Code, imprisoned
22 for not more than 10 years, or both.” and in-
23 serting “imprisoned for not less than 5 years
24 and not more than 10 years and may, in addi-
25 tion, be fined under such title.”.

1 **SEC. 5. SEVERABILITY.**

2 If any provision of this Act or the application of such
3 provision to any person or circumstance is held invalid for
4 any reason, the remainder of this Act, and the application
5 of such provision to other persons not similarly situated
6 or to other circumstances, shall not be affected by such
7 invalidation.