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 following:

2. **SECTION 1. SHORT TITLE.**

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

3. **SEC. 2. SANCTUARY JURISDICTION DEFINED.**

   In this Act, the term “sanctuary jurisdiction” means any State or political subdivision of a State, including any law enforcement entity of a State or of a political subdivision of a State, that—

   1. has in effect a statute, ordinance, policy, or practice that is in violation of subsection (a) or (b)
of section 642 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373); or

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

SEC. 3. LIMITATION ON GRANTS TO SANCTUARY JURISDICATIONS.

(a) INELIGIBILITY FOR GRANTS.—

(1) LAW ENFORCEMENT GRANTS.—

(A) SCAAP GRANTS.—A sanctuary jurisdiction shall not be eligible to receive funds pursuant to the State Criminal Alien Assistance Program under section 241(i) of the Immigration and Nationality Act (8 U.S.C. 1231(i)).

(B) COPS GRANTS.—No law enforcement entity of a State or of a political subdivision of a State that has a departmental policy or practice that renders it a sanctuary jurisdiction, and such a policy or practice is not required by statute, ordinance, or other codified law, or by
order of a chief executive officer of the jurisdiction, or the executive or legislative board of the jurisdiction, shall be eligible to receive funds directly or indirectly under the ‘Cops on the Beat’ program under part Q of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd et seq.).

(C) ENFORCEMENT.—The Attorney General, in consultation with the Secretary of Homeland Security, shall terminate the funding described in subparagraph (A) or (B) to a State or political subdivision of a State on the date that is 30 days after the date on which a notification described in subsection (d)(2) is made to the State or subdivision, unless the Secretary of Homeland Security, in consultation with the Attorney General, determines the State or subdivision is no longer a sanctuary jurisdiction.

(2) COMMUNITY DEVELOPMENT BLOCK GRANTS.—

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

(i) in section 102 (42 U.S.C. 5302), by adding at the end the following:
“(25) The term ‘sanctuary jurisdiction’ means any State or unit of general local government that—

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

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

(ii) in section 104 (42 U.S.C. 5304)—

(I) in subsection (b)—

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

(bb) by redesignating paragraph (6) as paragraph (7); and

(cc) by inserting after paragraph (5) the following:

“(6) the grantee is not a sanctuary jurisdiction and will not become a sanctuary jurisdiction during
the period for which the grantee receives a grant under this title; and (II) by adding at the end the following:

“(n) PROTECTION OF INDIVIDUALS AGAINST CRIMINAL ALIENS.—

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

“(2) RETURNED AMOUNTS.—

“(A) STATE.—If a State is a sanctuary jurisdiction during the period for which the State receives amounts under this title, the Secretary—

“(i) shall direct the State to immediately return to the Secretary any such amounts that have not been obligated by the State as of the date on which the State became a sanctuary jurisdiction; and

“(ii) may use any returned amounts under clause (i) to make grants to other States that are not sanctuary jurisdictions in accordance with this title.
"(B) Unit of General Local Government.—If a unit of general local government is a sanctuary jurisdiction during the period for which the unit of general local government receives amounts under this title, any such amounts that have not been obligated by the unit of general local government as of the date on which the unit of general local government became a sanctuary jurisdiction—

"(i) in the case of a unit of general local government that is in an entitlement area, shall be returned to the Secretary to make grants to States and other units of general local government that are not sanctuary jurisdictions in accordance with this title; 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 to make grants to other units of general local government that are not sanctuary jurisdictions in accordance with this title.

"(o) Enforcement Against Funding for Sanctuary Jurisdictions.—
“(1) IN GENERAL.—The Secretary shall verify on a quarterly basis whether a State or unit of general local government is a sanctuary jurisdiction, as determined by the Secretary of Homeland Security, and is ineligible to receive a grant under this title for purposes of subsections (b)(7) and (n).

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

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

(b) REALLOCATION.—Notwithstanding the amendments made by subsection (a)(2), any funds that are not allocated to a State or political subdivision of a State pursuant to subsection (a) shall be reallocated to States and political subdivisions of States that are not sanctuary jurisdictions.
(c) Notification of Congress.—Not later than 5
days after a determination is made pursuant to subsection
(a) to terminate a grant or to refuse to award a grant,
the Secretary of Homeland Security shall submit to the
Committee on the Judiciary of the Senate and the Com-
mittee on the Judiciary of the House of Representatives
a report that fully describes the circumstances and basis
for the termination or refusal.

(d) Transparency and Accountability.—Not
later than 60 days after the date of the enactment of this
Act, and quarterly thereafter, the Secretary of Homeland
Security and the Attorney General shall—

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

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

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

(A) a list of each sanctuary jurisdiction;

(B) the total number of detainers and re-quest for notification of the release of any
alien that has been issued or made to each
State or political subdivision of a State; and
(C) the number of such detainers and requests for notification that have been ignored or otherwise not honored, including the name of the jurisdiction in which each such detainer or request for notification was issued or made.

(e) IMMUNITY.—No liability shall lie with a State or a political subdivision of a State that is acting in compliance with a detainer or a request to notify about the release of an alien that has been lawfully issued or made by the Department of Homeland Security in accordance with sections 236 and 287 of the Immigration and Nationality Act (8 U.S.C. 1226 and 1357) and section 287.7 of title 8, Code of Federal Regulations, solely because the State or political subdivision is holding an alien in compliance with such detainer or request.

(f) RULE OF CONSTRUCTION.—Nothing in this section may be construed to require law enforcement officials of a State or a political subdivision of a State to provide the Secretary of Homeland Security with information related to a victim or a witness to a criminal offense.

SEC. 4. INCREASED PENALTIES FOR REENTRY OF REMOVED ALIEN.

Section 276 of the Immigration and Nationality Act (8 U.S.C. 1326) is amended—
(1) in subsection (a), in the matter following paragraph (2), by striking “fined under title 18, United States Code, or imprisoned not more than 2 years, or both.” and inserting “fined under title 18, United States Code, imprisoned not less than 5 years and not more than 6 years, or both.”; and

(2) in subsection (b)—

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

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

(C) in paragraph (4), by striking “fined under title 18, United States Code, imprisoned for not more than 10 years, or both.” and inserting “imprisoned for not less than 5 years and not more than 10 years and may, in addition, be fined under such title.”.
1SEC. 5. SEVERABILITY.

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