

REPORT OF THE CHIEF LEGISLATIVE ANALYST

DATE: March 29, 2017

TO: Honorable Members of the Ad Hoc Committee on Immigrant Affairs

FROM: Sharon M. Tso 
Chief Legislative Analyst

Council File No: 17-0073
Assignment No: 17-02-0125

SUBJECT: Resolution opposing H.R. 83 (Barletta) relative to withholding federal funds from Sanctuary Cities.

CLA RECOMMENDATION: Adopt the attached revised Resolution to include in the City's 2017-2018 Federal Legislative Program, OPPOSITION to H.R. 83, the *Mobilizing Against Sanctuary Cities Act*, and any other similar legislation, which would prohibit any state or local government in violation of Section 642 of the *Illegal Immigration Reform and Immigration Responsibility Act of 1996 (8 U.S.C. 1373)* from receiving any federal funds.

SUMMARY

On January 20, 2017, Councilmember Paul Krekorian introduced a Resolution (Krekorian-Cedillo) to OPPOSE H.R. 83, the *Mobilizing Against Sanctuary Cities Act (Barletta)*, which proposes to prohibit any state or local government in violation of Section 642 of the *Illegal Immigration Reform and Immigration Responsibility Act of 1996* from receiving any federal funds.

The Resolution further notes that H.R. 83 has a greater chance of passing given the current administration's vow to cut federal funding to such cities within the first 100 days in office.

The Resolution states that approximately 400 cities and counties could be impacted by the punitive actions proposed under this bill.

According to the Resolution, Los Angeles receives hundreds of millions of dollars from the federal government to provide critical services to the residents of this City. As a consequence, any cuts to federal funding could severely impact city services, infrastructure and capital improvement projects, and the safety of our constituents.

The Resolution, therefore, recommends that the City oppose H.R. 83.

BACKGROUND

On January 3, 2017, Congressman Barletta introduced H.R. 83, the *Mobilizing Against Sanctuary Cities Act* which proposes to prohibit any state or local government in violation of Section 642 of the *Illegal Immigration Reform and Immigration Responsibility Act of 1996* from receiving any federal funds.

H.R. 83 directs the U.S. Attorney General to compile and issue an annual report concerning compliance of states and cities, and that any jurisdiction that is found to be out of compliance would be ineligible for federal financial assistance for a minimum of one year.

H.R. 83 does not define the term “Sanctuary Cities,” nor is the term formally defined by the federal government.

H.R. 83 is consistent with President Trump’s Executive Order No. 13,768 which also proposes to withhold federal funds from cities and counties that are designated as “sanctuary jurisdictions” by the U.S. Attorney General.

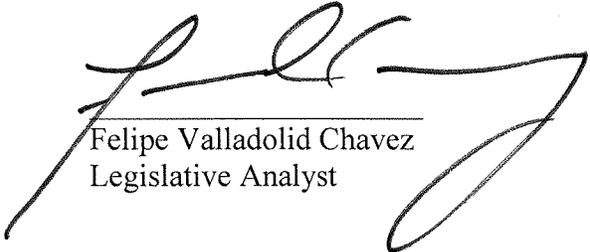
A report relative to sanctuary cities and the role of local jurisdictions with regard to federal immigration law is currently pending in the Ad Hoc Committee on Immigrant Affairs.

In a separate Motion (Krekorian-O’Farrell), the Council instructed the CAO and the CLA to report relative to the fiscal impact to the City should legislation to defund jurisdictions that are designated as Sanctuary Cities be approved at the federal level. A report on this matter is in process and will be submitted to Council at a future date.

BILL STATUS

January 3, 2017 Introduced and referred to House Committee on the Judiciary, and in addition to the Committee on Oversight and Government Reform

January 23, 2017 Referred to the Subcommittee on Immigration and Border Security.



Felipe Valladolid Chavez
Legislative Analyst

SMT:fvc
Attachment: 1) Revised Resolution
 2) H.R. 83

RESOLUTION

WHEREAS, any official position of the City of Los Angeles with respect to legislation, rules, regulations, or policies proposed to or pending before a local, state or federal governmental body or agency must have first been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

WHEREAS, some Republican members of Congress are moving swiftly to punish cities that decline to apply local resources to the enforcement of federal immigration laws and several measures have been introduced to block municipalities from accessing federal funds; and

WHEREAS, on January 3, 2017, Congressman Barletta (R-PA) introduced H.R. 83, known as the *Mobilizing Against Sanctuary Cities Act*, to prohibit any state or local government in violation of section 642 of the Illegal Immigration Reform and Immigration Responsibility Act of 1996 from receiving any federal funds; and

WHEREAS, H.R. 83 has a greater chance of passing given the current administration's vow to cut federal funding to such cities within the first 100 days in office; and

WHEREAS, H.R. 83 directs the Attorney General to compile and issue an annual report on compliance by states and cities; and

WHEREAS, any jurisdiction that is found to be out of compliance would be ineligible for federal financial assistance for a minimum of one year; and

WHEREAS, there are approximately 400 cities and counties that could be impacted by these punitive actions; and

WHEREAS, Los Angeles receives hundreds of millions of dollars from the federal government to provide critical services to the residents of the City; and

WHEREAS, any cuts to federal funding could severely impact city services, infrastructure and capital improvement projects, and the safety of our constituents;

NOW THEREFORE, BE IT RESOLVED, with the concurrence of the Mayor, that by the adoption of this Resolution, the City of Los Angeles hereby include in its 2017-2018 Federal Legislative Program OPPOSITION for H.R. 83, the *Mobilizing Against Sanctuary Cities Act*, and any other similar legislation, which would prohibit any state or local government in violation of Section 642 of the *Illegal Immigration Reform and Immigration Responsibility Act of 1996 (8 U.S.C. 1373)* from receiving any federal funds.

115TH CONGRESS
1ST SESSION

H. R. 83

To prohibit the receipt of Federal financial assistance by sanctuary cities,
and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 3, 2017

Mr. BARLETTA introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Oversight and Government Reform, 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 prohibit the receipt of Federal financial assistance by
sanctuary cities, 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 “Mobilizing Against
5 Sanctuary Cities Act”.

6 **SEC. 2. SANCTUARY CITIES INELIGIBLE FOR FEDERAL FI-**
7 **NANCIAL ASSISTANCE.**

8 Any State or local government that violates section
9 642 of the Illegal Immigration Reform and Immigrant Re-

1 sponsibility Act of 1996 (8 U.S.C. 1373) may not receive
2 any Federal financial assistance (as such term is defined
3 in section 7501(a)(5) of title 31, United States Code). The
4 Attorney General shall determine annually which State or
5 local jurisdictions are not in compliance with section 642
6 of the Illegal Immigration Reform and Immigrant Respon-
7 sibility Act and shall report such determinations to Con-
8 gress on March 1 of each year. The Attorney General shall
9 also issue a report concerning the compliance of any par-
10 ticular State or local jurisdiction at the request of any
11 Member of Congress. Any jurisdiction that is found to be
12 out of compliance shall be ineligible to receive Federal fi-
13 nancial assistance for a minimum period of one year, and
14 shall only become eligible again after the Attorney General
15 certifies that the jurisdiction is in compliance.

○