



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

October 20, 2015
(Senate)

STATEMENT OF ADMINISTRATION POLICY

S. 2146 – Stop Sanctuary Policies and Protect Americans Act

(Sen. Vitter, R-LA, and 14 cosponsors)

The Administration strongly opposes S. 2146. This bill fails to offer comprehensive reforms needed to fix the Nation's broken immigration laws and undermines current Administration efforts to remove the most dangerous convicted criminals and to work collaboratively with State and local law enforcement agencies.

The Administration continues to believe that it is critical to fix the Nation's broken immigration system through comprehensive commonsense legislation that builds on existing efforts to strengthen border security, cracks down on employers hiring undocumented workers, streamlines legal immigration, and offers an earned path to citizenship for undocumented immigrants to get right with the law if they pass background checks, contribute to the Nation's economy by paying taxes, and go to the back of the line. While the Senate passed comprehensive legislation with strong bipartisan support over two years ago that would do just that, the House of Representatives failed to take any action. The Congressional Budget Office estimated that the bipartisan Senate legislation would also grow the Nation's economy by 5.4 percent and reduce Federal deficits by nearly \$850 billion over 20 years. The Administration continues to urge the Congress to address all of the problems with the Nation's broken immigration system and take up commonsense legislation that will offer meaningful solutions to those problems.

The Administration also believes the most effective way to enhance public safety is through sensible and effective policies that focus enforcement resources on the most significant public safety threats. The Administration has put in place new enforcement priorities that accomplish this important law enforcement goal by focusing limited resources on the worst offenders – national security threats, convicted criminals, gang members, and recent border crossers. The effectiveness of these new priorities depends on collaboration between Federal, State, and local law enforcement. Every day, the Federal government fosters State and local collaboration through a variety of mechanisms, including policies, programs, and joint task forces. The Department of Homeland Security's (DHS) Priority Enforcement Program (PEP) enables Federal immigration enforcement to work with State and local law enforcement to take custody of individuals who are enforcement priorities, including public safety and national security threats, before those individuals are released into communities. PEP is a balanced, commonsense approach to enforcing the Nation's immigration laws. It replaced the Secure Communities program, which, by establishing a “one-size-fits-all” approach to State and local cooperation with Federal immigration enforcement officials, discouraged some localities from turning over dangerous individuals to DHS custody. Secure Communities was embroiled in litigation and widely criticized for undermining State and local community policing efforts. PEP builds collaboration between Federal, State, and local law enforcement that allows for the most effective enforcement while enhancing community policing and trust. The vast majority of the Nation's approximately 3,100 local law enforcement agencies are collaborating with DHS

through the PEP program, and more than half of the approximately 340 jurisdictions that previously declined to cooperate with DHS are now working with DHS under PEP. The Congress should give PEP a chance to work, instead of displacing that collaborative approach—which prioritizes the worst offenders—with the coercive approach of this bill, which makes no such differentiation.

The bill would also jeopardize the ability of State and local governments to receive Federal funding that is critical to their efforts to ensure public safety and to tackle serious problems facing their communities. For some jurisdictions, it would deny funding for cities to implement a wide range of community development and housing activities, including public safety enhancements and neighborhood-based community policing efforts and investments to increase access to affordable housing, and eliminate blight and support neighborhood planning. The bill would also essentially turn State and local law enforcement into Federal immigration law enforcement officials, in certain circumstances. The Administration believes that these provisions would lead to mistrust between communities and State and local law enforcement agencies; undermine the ability of law enforcement to keep communities safe across the country; and impede our efforts to safely, fairly, and effectively enforce the Nation's immigration laws.

If the President were presented with S. 2146, his senior advisors would recommend that he veto this bill.

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