



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

February 23, 2016

The Honorable John A. Culberson
Chairman
Subcommittee on Commerce, Justice,
Science and Related Agencies
Committee on Appropriations
U.S. House of Representatives
Washington, DC 20515

Dear Chairman Culberson:

Thank you for your letter dated February 1, 2016, regarding the allocation of resources in the enforcement of existing federal law, specifically regarding the grant application process for state and local law enforcement agencies.

Your letter correctly states that “[a] statutory requirement of the Byrne JAG program is for applicants to certify that they are in compliance with ‘applicable federal laws,’” and goes on to ask that we “apply the same standard to the Community Oriented Policing Services (COPS) program and the State Criminal Alien Assistance Program (SCAAP).” We can advise that all applicants for Byrne JAG, COPS, and SCAAP funds already are required to assure and certify that they are in compliance with all applicable federal laws, and will continue to be required to do so in FY2016 (and presumably thereafter). Where the Department of Justice (the Department) receives a credible allegation that an entity receiving funds under a Department grant or reimbursement program has, after assuring or certifying compliance with applicable federal laws, violated a specific applicable federal law, the Department can potentially seek criminal or civil enforcement options against the entity.

In addition, we are actively considering ways in which we may most effectively carry out our public safety mission as it regards enforcing the nation’s criminal and immigration laws. In an effort to ensure that criminal aliens are not improperly released onto American streets, we have implemented new procedures when federal inmates with Immigration and Customs Enforcement (ICE) detainers are released from Bureau of Prisons (BOP) custody. Now, BOP offers ICE, instead of the states and municipalities, the first opportunity to take into custody and remove an individual. ICE’s decision to exercise this right of first refusal is informed, in part, by the state or municipality’s willingness to cooperate with federal authorities on ICE detainers. Thus far, we are pleased with the way in which the new policy is being implemented and are happy to share further developments with you in the coming weeks and months. We are grateful for your and the Committee’s support for the Department in the pursuit of our shared goal of protecting and serving the American people.

The Honorable John A. Culberson
Page Two

We hope this information is helpful. Please do not hesitate to contact this office if we may provide additional information regarding this or any other matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "PK" followed by a long horizontal stroke and the word "for".

Peter J. Kadzik
Assistant Attorney General

cc: The Honorable Mike Honda
Ranking Member

HAROLD ROGERS, KENTUCKY, CHAIRMAN
RODNEY P. FRELINGHUYSEN, NEW JERSEY
ROBERT B. ADERHOLT, ALABAMA
KAY GRANGER, TEXAS
MICHAEL K. SIMPSON, IDAHO
JOHN ABNEY CULBERSON, TEXAS
ANDER CRENSHAW, FLORIDA
JOHN R. CARTER, TEXAS
KEN CALVERT, CALIFORNIA
TOM COLE, OKLAHOMA
MARIO DIAZ-BALART, FLORIDA
CHARLES W. DENT, PENNSYLVANIA
TOM GRAVES, GEORGIA
KEVIN YODER, KANSAS
STEVE WOMACK, ARKANSAS
JEFF FORTENBERRY, NEBRASKA
THOMAS J. ROONEY, FLORIDA
CHARLES J. FLEISCHMANN, TENNESSEE
JAIME HERRERA BEUTLER, WASHINGTON
DAVID P. JOYCE, OHIO
DAVID G. VALADAO, CALIFORNIA
ANDY HARRIS, MARYLAND
MARTHA ROBY, ALABAMA
MARK E. AMODEI, NEVADA
CHRIS STEWART, UTAH
E. SCOTT RIGELL, VIRGINIA
DAVID W. JOLLY, FLORIDA
DAVID YOUNG, IOWA
EVAN H. JENKINS, WEST VIRGINIA
STEVEN M. PALAZZO, MISSISSIPPI

Congress of the United States
House of Representatives
Committee on Appropriations
Washington, DC 20515-6015

NITA M. LOWEY, NEW YORK
MARCY KAPTUR, OHIO
PETER J. VISCLOSKY, INDIANA
JOSÉ E. SERRANO, NEW YORK
ROSA L. DELAURO, CONNECTICUT
DAVID E. PRICE, NORTH CAROLINA
LUCILLE ROYBAL-ALLARD, CALIFORNIA
SAM FARR, CALIFORNIA
CHAKA FATTAH, PENNSYLVANIA
SANFORD D. BISHOP, Jr., GEORGIA
BARBARA LEE, CALIFORNIA
MICHAEL M. HONDA, CALIFORNIA
BETTY McCOLLUM, MINNESOTA
STEVE ISRAEL, NEW YORK
TIM RYAN, OHIO
C. A. DUTCH RUPPERSBERGER, MARYLAND
DEBBIE WASSERMAN SCHULTZ, FLORIDA
HENRY CUELLAR, TEXAS
CHELLIE PINGREE, MAINE
MIKE QUIGLEY, ILLINOIS
DEREK KILMER, WASHINGTON

February 26, 2016

WILLIAM E. SMITH
CLERK AND STAFF DIRECTOR

TELEPHONE:
(202) 225-2771

Attorney General Loretta Lynch
U.S. Department of Justice
950 Pennsylvania Ave
Washington, D.C. 20530

Dear Attorney General Lynch:

I want to thank you for the new policies regarding sanctuary cities that you announced during your testimony before the Commerce, Justice, and Science Appropriation Subcommittee hearing this week.

The change you announced to Bureau of Prisons policy is commendable. By offering Immigrations and Customs Enforcement (ICE) the opportunity to deport individuals rather than releasing them to sanctuary cities, your actions will go a long way to preventing further tragedies like the murder of Kate Steinle.

You also testified that you would take steps to ensure that entities receiving Department of Justice grants comply with applicable Federal law. I have attached a list of sanctuary cities from the Center for Immigration Studies. I believe many of these jurisdictions are violating applicable Federal law, and I ask you to review this list to ensure that these jurisdictions are in compliance. I am particularly interested to know if they are complying with 8 U.S.C. 1373, which prohibits jurisdictions from carrying out policies that prohibit the sharing of information regarding the immigration status of individuals in their custody with the Department of Homeland Security. I would expect you to seek advice from ICE on the cooperation they are receiving from those jurisdictions.

I look forward to working with you to ensure that Department of Justice grantees are complying with applicable Federal laws, such as 8 U.S.C. 1373. I also appreciate the efforts of the hard-working men and women of the Justice Department—as well as efforts of your state and local partners—in keeping our nation safe.

Sincerely,



John Culberson
Chairman

Subcommittee on Commerce, Justice, Science,
and Related Agencies