

These are serious matters, and they deserve our serious attention. As elected officials, we have been entrusted for a time with the security of the Nation and with the trust of the people. Quite apart from the specific questions and debates about whether Secretary Clinton is going to be convicted for her crimes, we must grapple with the reality that the public trust, the rule of law, and the security of our Nation have been badly injured by her actions.

In the coming months, the next time that a career military or intelligence officer leaks an important secret that is a legally defined classified matter that relates to the security of our Nation and the security of our Nation's spies, who are putting their lives at risk today to defend our freedoms, one of two things is going to happen: Either that individual will not be held accountable because yesterday the decision was made to set a new, lower standard about our Nation's security secrets, and we will therefore become weaker, or, in the alternative, the decision will be made to hold that person accountable, either by prosecution or by firing. In that moment, that individual and his or her peers and his or her family will rightly ask this question: Why is the standard different for me than for the politically powerful? Why is the standard different for me, a career intelligence officer or a career soldier, than for the former Secretary of State? This question is about the rise of a two-tiered system of justice, one for the common man and one for the ruling political elites. If we in this body allow such a two-tiered system to solidify, we will fail in our duties, both to safeguard the Nation and for the people to believe in representative government and in equality before the law.

This stuff matters. Lying matters. The dumbing down and the debasing of expectations about public trust matter. Honor matters, and woe to us as a nation if we decide to forget this obvious truth of republican government.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:47 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mrs. FISCHER).

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The senior assistant legislative clerk read the nomination of Brian R. Martinotti, of New Jersey, to be United States District Judge for the District of New Jersey.

The PRESIDING OFFICER. Under the previous order, there will be 30 minutes of debate equally divided in the usual form.

The Senator from Pennsylvania. Mr. TOOMEY. Thank you, Madam President.

SANCTUARY CITIES LEGISLATION

I rise to address the legislation we are going to be voting on later this afternoon, two procedural votes to take up legislation. Both bills were inspired by a horrendous event that occurred almost exactly 1 year ago. On July 1, 2015, a 32-year-old woman named Kate Steinle was walking on a pier in San Francisco with her dad, and out of nowhere comes a man who starts firing his weapon at her, shoots her, and within moments Kate Steinle bled to death in her father's arms.

As appalling as that murder was, one of the particularly galling things about it is that the shooter should never have been on the pier that day. The shooter had been convicted of seven felonies and had been deported from America five times because he was here illegally. Even more maddening is that just a few months earlier, San Francisco law enforcement officials had him in their custody. They had him, and the Department of Homeland Security, discovering that fact, put out a request that said: Hold on to this guy. Detain him until we can get one of our guys there to take him into custody because we want to get him out of this country. He is dangerous; we know he is.

What did the San Francisco law enforcement folks do? They said: Sorry, we can't help you. They released him onto the streets of San Francisco, from which he later shot and killed a perfectly innocent young woman.

Why in the world would the San Francisco law enforcement folks release a seven-time convicted felon, five-time deported person who was known to be dangerous, in the face of a request from the Department of Homeland Security? Why would they release such a person? Because San Francisco is a sanctuary city, which means it is the legal policy of the city of San Francisco to refuse to provide any information or to cooperate with a request to detain anyone when the Department of Homeland Security is requesting such cooperation with respect to someone who is here illegally. This is madness. It is unbelievable that we have municipalities that are willfully releasing dangerous people into our communities.

Let me point out that the terribly tragic case of Kate Steinle is not a unique case. According to the Department of Homeland Security in an analysis looking at an 8-month period in 2014—the most recent period for which we have data—sanctuary cities across America released 18,000 individuals and 1,800 of them were later arrested for criminal acts. That is what is happening across America, including in the great city of Philadelphia in my home State of Pennsylvania, which has become a sanctuary city.

Today we are going to vote on two different bills. We are going to take a procedural vote which will determine whether we can proceed to two bills inspired by this terrible tragedy. First is my legislation called the Stop Dangerous Sanctuary Cities Act, S. 3100. I am grateful for my cosponsors, Senators INHOFE, VITTER, COTTON, JOHNSON, CRUZ, and WICKER. Let me explain how this is structured.

There is a court ruling that has caused a number of municipalities that would rather not be sanctuary cities to believe they need to become sanctuary cities. The ruling is from the Third Circuit Court of Appeals, which has jurisdiction over my State of Pennsylvania, and also a Federal district court in Oregon. They have held that if the Department of Homeland Security makes a mistake—let's say it is the wrong John Doe—and they ask a police department somewhere to hold that person, if it turns out they are holding him wrongly, according to these court decisions, the local police department can be held liable even though they were just acting in good faith at the request of the Department of Homeland Security.

Well, that doesn't make any sense, and it is easily corrected. My bill will correct it. What my bill says is that if a person is wrongly held in such a circumstance where the local police are complying in good faith with a request from the Department of Homeland Security, if that happens, the individual wrongly held can still sue, they can still go to court, but they wouldn't go to court against the local police or local municipality, they would take their case against the Department of Homeland Security, where it belongs. After all, it was the error of the Department of Homeland Security that caused the person to be wrongly held. So that solves the problem of a municipality being concerned about a liability that would attach to their doing the right thing.

Given that solution, which is in our legislation, if we pass this and make this law, then there is no excuse whatsoever for any municipality willfully refusing to cooperate with Federal immigration and law enforcement officials.

The second part of my legislation says that if a community nevertheless—despite a lack of legal justification—chooses to be a dangerous sanctuary city, well, then, they are going to lose some Federal funds—specifically, community development block grant funds, which cities get from the Federal Government. They love to spend it on all kinds of things.

The fact is, sanctuary cities impose costs on the rest of us—security costs, costs to the risks we take, the unspeakable costs the Steinle family incurred—so I think it is entirely reasonable that we withhold this funding as a way to hopefully induce these cities to do the right thing.

I say there are two pieces of legislation we will be taking procedural votes