

117.132. (GP: Refugee Resettlement Program) No state funds shall be expended to assist in the United States Refugee Resettlement Program unless the county council of the county where the resettlement is to occur approves the relocation.

The Refugee Resettlement Program is a voluntary program at both the State and local level. The program is not a federally mandated program, nor can it be, since States are sovereign. The States must give consent. In most cases involving federal programs and funding, the State must also relinquish its sovereignty in the specific areas designated by the contract to participate in programs. The State, thereby, gives its consent to abide by federal regulations in order to participate in programs that are not Constitutionally delegated to the federal government. However, Refugee Resettlement does not require any relinquishment of sovereignty, only voluntary participation.

The federal government has authority over laws pursuant to naturalization and immigration, but it has no authority to mandate specific States to engage in resettlement within their jurisdiction or to force State funding be provided for that express purpose. The participating voluntary agencies are considered private contractors, even though, in reality, their funding comes mainly from the taxpayer. The contractors are bound by all rules and regulations of voluntarily participating in the program as grantees/contractors. The State has no obligation to participate.

This is a separation of powers confirmed by SCOTUS consistently since the Constitution was ratified. Sources to recent rulings are found within the RRP Research Paper provided to each Council member by email or can easily be found by searching for the original ACA ruling written by Chief Justice Roberts, as well as *Printz v. U.S.* (1999) for two examples.

The problem this Proviso corrects is the common lack of public awareness before the Voluntary Agencies (Volags) and their local affiliates volunteer the general citizenry's participation. The obligations and consequences of the

program are incurred by communities without their consent. Since the general communities are not considered "stakeholders" in the program, they are routinely absent from a place at the table where the decision is made. That decision is often made without local government awareness or participation.

The rightful chain of authority has not been broken, since the General Assembly funded all programs as usual. Local councils have no control over the existence of funding or the amount allotted. The funding is available and unchanged from all previous budgets. All the County Council is required to do is consult with its constituents, look at the pros and cons of the program, then determine whether their county would like to voluntarily participate. The Proviso protects counties and its citizens from being volunteered without their consent.

The Proviso applies to every county, not just the county where the local Volag office is located. Since the local contractor can resettle within a 100 miles of its location, it must cross county lines. The Proviso simply protects all counties within that 100-mile radius from being obligated without their consent.

It is incumbent on County Councils to know they must give consent and for the local resettlement agencies to be aware they must obtain approval before resettlement can occur.

The budget, containing the Proviso, has been signed by Governor Haley and in accordance with what we have been told by senators representing this county, we believe the Proviso went into effect on July 1, 2015, with the new budget.