

Union Calendar No. 465

119TH CONGRESS
2^D SESSION

H. R. 7640

[Report No. 119-541]

To amend the Immigration and Nationality Act to improve public safety through the enforcement of Federal immigration law in the interior of the United States, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 23, 2026

Mr. MCCLINTOCK introduced the following bill; which was referred to the Committee on the Judiciary

MARCH 12, 2026

Additional sponsors: Mr. CLINE, Mr. NEHLS, Ms. HAGEMAN, Mr. FRY, and Mr. TIFFANY

MARCH 12, 2026

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on February 23, 2026]

A BILL

To amend the Immigration and Nationality Act to improve public safety through the enforcement of Federal immigration law in the interior of the United States, 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 “Shut Down Sanctuary*
 5 *Policies Act of 2026”.*

6 **SEC. 2. STATE AND LOCAL COOPERATION WITH ENFORCE-**
 7 **MENT OF IMMIGRATION LAW.**

8 *(a) IN GENERAL.—Section 642 of the Illegal Immigra-*
 9 *tion Reform and Immigrant Responsibility Act of 1996 (8*
 10 *U.S.C. 1373) is amended—*

11 *(1) in the header by striking “COMMUNICA-*
 12 ***TION BETWEEN GOVERNMENT AGENCIES AND***
 13 ***THE IMMIGRATION AND NATURALIZATION***
 14 ***SERVICE”*** and inserting ***“STATE AND LOCAL***
 15 ***GOVERNMENT COOPERATION WITH IMMIGRA-***
 16 ***TION ENFORCEMENT”*** (and by conforming the item
 17 *in table of contents accordingly);*

18 *(2) by striking subsection (a) and inserting the*
 19 *following:*

20 *“(a) IN GENERAL.—The right of any Federal, State,*
 21 *or local government entity, official, or other personnel to*
 22 *comply with or enforce the immigration laws (as defined*
 23 *in section 101(a)(17) of the Immigration and Nationality*
 24 *Act (8 U.S.C. 1101(a)(17))), or to assist or cooperate with*
 25 *Federal law enforcement entities, Federal law enforcement*

1 *officials, immigration officials, or other personnel regarding*
 2 *the enforcement of such laws, shall not be prohibited or in*
 3 *any way restricted.”;*

4 *(3) by striking subsection (b) and inserting the*
 5 *following:*

6 *“(b) LAW ENFORCEMENT ACTIVITIES.—*

7 *“(1) IN GENERAL.—The right of any Federal,*
 8 *State, or local government entity, official, or other*
 9 *personnel to undertake law enforcement activities de-*
 10 *scribed under paragraph (2) as they relate to infor-*
 11 *mation regarding the citizenship or immigration sta-*
 12 *tus, lawful or unlawful, the inadmissibility or deport-*
 13 *ability, or the custody status of any individual (in-*
 14 *cluding any information that could reasonably be*
 15 *used to determine such status, including personal*
 16 *identifying information) shall not be prohibited or in*
 17 *any way restricted.*

18 *“(2) LAW ENFORCEMENT ACTIVITIES DE-*
 19 *SCRIBED.—The law enforcement activities described*
 20 *in this paragraph are the following:*

21 *“(A) Making inquiries to any individual to*
 22 *obtain the information described under para-*
 23 *graph (1) regarding such individual or any*
 24 *other individuals.*

1 “(B) *Maintaining the information described*
2 *under paragraph (1).*

3 “(C) *Actions taken by a State, or local gov-*
4 *ernment entity, official, or other personnel to—*

5 *“(i) notify the Federal Government re-*
6 *garding the presence of individuals who are*
7 *encountered by law enforcement officials or*
8 *other personnel of a State or local govern-*
9 *ment; and*

10 *“(ii) comply with requests for such in-*
11 *formation from Federal law enforcement en-*
12 *tities, officials, or other personnel.”;*

13 *(4) in subsection (c), by striking “Immigration*
14 *and Naturalization Service” and inserting “Depart-*
15 *ment of Homeland Security”; and*

16 *(5) by adding at the end the following:*

17 *“(d) CONTRARY LAWS SUPERSEDED.—The provisions*
18 *under subsections (a) and (b) shall supersede any and all*
19 *State and local laws, ordinances, regulations, and policies*
20 *that directly or indirectly prohibit or restrict, in whole or*
21 *in part, the activities described in such subsections.*

22 *“(e) REMOVAL.—A civil action or criminal prosecu-*
23 *tion that is commenced in a State court and that is against*
24 *or directed to a State or local government entity (and an*
25 *official or other personnel of the State or local government*

1 *entity acting in their official capacities) based on their*
 2 *compliance with subsection (a) or (b) may be removed by*
 3 *them to the district court of the United States for the dis-*
 4 *trict and division embracing the place wherein it is pending*
 5 *or to the district court of the United States for the district*
 6 *and division in which the defendant was served with proc-*
 7 *ess.*

8 “(f) *IMMUNITY.—A State or local government entity*
 9 *(and an official or other personnel of the State or local gov-*
 10 *ernment entity acting in their official capacities) acting in*
 11 *compliance with subsection (a) or (b) shall be considered*
 12 *to be acting under color of Federal authority for purposes*
 13 *of determining their liability and shall be held harmless for*
 14 *their compliance in any suit seeking any punitive, compen-*
 15 *satory, or other monetary damages.*

16 “(g) *FEDERAL GOVERNMENT AS DEFENDANT.—Fol-*
 17 *lowing removal of any civil action arising out of compli-*
 18 *ance with subsection (a) or (b) the United States Govern-*
 19 *ment shall be substituted as the party defendant in the suit.*

20 “(h) *MISTREATMENT EXCEPTION.—Subsections (f)*
 21 *and (g) shall not apply for claims the district court deter-*
 22 *mines arose from any mistreatment of an individual by a*
 23 *State or local government entity (or an official or other per-*
 24 *sonnel of the State or local government entity acting in*

1 *their official capacities) exercising the rights described*
 2 *under subsection (a) or (b).*

3 “(i) *FEDERAL FUNDING.*—

4 “(1) *ELIGIBILITY FOR CERTAIN GRANT PRO-*
 5 *GRAMS.*—*A State or local government that is deter-*
 6 *mined, pursuant to paragraph (4), to restrict the*
 7 *rights described under subsection (a) or (b) or that*
 8 *has in effect a statute, policy, or practice providing*
 9 *that it not comply with valid Department of Home-*
 10 *land Security detainers issued pursuant to section*
 11 *287(d)(1) of the Immigration and Nationality Act (8*
 12 *U.S.C. 1357(d)(1)), shall not be eligible to receive for*
 13 *the period described in paragraph (6)—*

14 “(A) *any of the funds that would otherwise*
 15 *be allocated to the State or local government*
 16 *under section 241(i) of the Immigration and Na-*
 17 *tionality Act (8 U.S.C. 1231(i)), the ‘Cops on the*
 18 *Beat’ program under part Q of title I of the Om-*
 19 *nibus Crime Control and Safe Streets Act of*
 20 *1968 (34 U.S.C. 10381 et seq.), or the Edward*
 21 *Byrne Memorial Justice Assistance Grant Pro-*
 22 *gram under subpart 1 of part E of title I of the*
 23 *Omnibus Crime Control and Safe Streets Act of*
 24 *1968 (34 U.S.C. 10151 et seq.); or*

1 “(B) any other grant administered by the
2 Department of Justice or the Department of
3 Homeland Security that is substantially related
4 to law enforcement, immigration, enforcement of
5 the immigration laws, or naturalization.

6 “(2) *TRANSFER OF CUSTODY OF ALIENS PENDING*
7 *REMOVAL PROCEEDINGS.*—The Secretary of Home-
8 land Security, at the Secretary’s sole and
9 unreviewable discretion, may decline to transfer an
10 alien in the custody of the Department of Homeland
11 Security to a State or local government determined,
12 pursuant to paragraph (4), to restrict the rights de-
13 scribed under subsection (a) or (b), or that has in ef-
14 fect a statute, policy, or practice providing that it not
15 comply with valid Department of Homeland Security
16 detainers issued pursuant to section 287(d)(1) of the
17 Immigration and Nationality Act (8 U.S.C.
18 1357(d)(1)), regardless of whether the State or local
19 government has issued a writ or warrant.

20 “(3) *TRANSFER OF CUSTODY OF CERTAIN ALIENS*
21 *PROHIBITED.*—The Secretary of Homeland Security
22 shall not transfer an alien with a final order of re-
23 moval, as defined in section 101(a)(47) of the Immi-
24 gration and Nationality Act (8 U.S.C. 1101(a)(47)),
25 to a State or local government that is determined,

1 *pursuant to paragraph (4), to restrict the rights de-*
2 *scribed under subsection (a) or (b), or that has in ef-*
3 *fect a statute, policy, or practice providing that it not*
4 *comply with valid Department of Homeland Security*
5 *detainers issued pursuant to section 287(d)(1) of the*
6 *Immigration and Nationality Act (8 U.S.C.*
7 *1357(d)(1)).*

8 “(4) *ANNUAL DETERMINATION.*—*The Secretary*
9 *of Homeland Security, in the Secretary’s sole and*
10 *unreviewable discretion, shall determine for each fis-*
11 *cal year which States and local governments restrict*
12 *the rights described under subsection (a) or (b), or*
13 *that have in effect a statute, policy, or practice pro-*
14 *viding that they not comply with valid Department*
15 *of Homeland Security detainers issued pursuant to*
16 *section 287(d)(1) of the Immigration and Nationality*
17 *Act (8 U.S.C. 1357(d)(1)), and shall report such de-*
18 *terminations to the Committees on the Judiciary of*
19 *the House of Representatives and the Senate by*
20 *March 1 of each succeeding fiscal year.*

21 “(5) *REPORTS.*—*The Secretary of Homeland Se-*
22 *curity shall issue a report on the annual determina-*
23 *tion made under paragraph (4) at the request of the*
24 *Committees on the Judiciary of the House of Rep-*
25 *resentatives and the Senate.*

1 “(6) *PERIOD DESCRIBED.*—Any jurisdiction that
 2 is determined to restrict the rights established under
 3 subsection (a) or (b) or that has in effect a statute,
 4 policy, or practice providing that it not comply with
 5 valid Department of Homeland Security detainers
 6 issued pursuant to section 287(d)(1) of the Immigra-
 7 tion and Nationality Act (8 U.S.C. 1357(d)(1)) shall
 8 be ineligible to receive Federal financial assistance as
 9 provided in paragraph (1)—

10 “(A) for a period of 1 year; or

11 “(B) until the Secretary of Homeland Secu-
 12 rity certifies that the jurisdiction has come into
 13 compliance, whichever is later.

14 “(7) *REALLOCATION.*—Any funds that are not
 15 allocated to a State or to a local government due to
 16 the State or local government restricting the rights de-
 17 scribed under subsection (a) or (b), or that has in ef-
 18 fect a statute, policy, or practice providing that it not
 19 comply with valid Department of Homeland Security
 20 detainers issued pursuant to section 287(d)(1) of the
 21 Immigration and Nationality Act (8 U.S.C.
 22 1357(d)(1)), shall be reallocated to States or local gov-
 23 ernments that comply with each such subsection.”.

24 (b) *EFFECTIVE DATE.*—The amendments made by this
 25 section shall take effect on the date of the enactment of this

1 *Act, except that subsection (i) of section 642 of the Illegal*
2 *Immigration Reform and Immigrant Responsibility Act of*
3 *1996 (8 U.S.C. 1373), as added by this section, shall apply*
4 *only to prohibited acts committed on or after the date of*
5 *the enactment of this Act.*

6 **SEC. 3. CLARIFYING THE AUTHORITY OF ICE DETAINERS.**

7 *Section 287(d) of the Immigration and Nationality*
8 *Act (8 U.S.C. 1357(d)) is amended to read as follows:*

9 *“(d) DETAINER OF INADMISSIBLE OR DEPORTABLE*
10 *ALIENS.—*

11 *“(1) IN GENERAL.—In the case of an individual*
12 *who is arrested by any Federal, State, or local law*
13 *enforcement official or other personnel for the alleged*
14 *violation of any criminal or motor vehicle law, the*
15 *Secretary of Homeland Security shall issue a detainer*
16 *regarding the individual to any Federal, State, or*
17 *local law enforcement entity, official, or other per-*
18 *sonnel if the Secretary has probable cause to believe*
19 *that the individual is an inadmissible or deportable*
20 *alien.*

21 *“(2) PROBABLE CAUSE.—Probable cause is estab-*
22 *lished if any of the following criteria is met:*

23 *“(A) The individual who is the subject of*
24 *the detainer matches, pursuant to biometric con-*
25 *firmation or other Federal database records, the*

1 *identity of an alien who the Secretary has rea-*
2 *sonable grounds to believe to be inadmissible or*
3 *deportable.*

4 “(B) *The individual who is the subject of*
5 *the detainer is the subject of ongoing removal*
6 *proceedings, including matters in which a charg-*
7 *ing document has been served.*

8 “(C) *The individual who is the subject of*
9 *the detainer has previously been ordered removed*
10 *from the United States and such an order is ad-*
11 *ministratively final.*

12 “(D) *The individual who is the subject of*
13 *the detainer has made voluntary statements to*
14 *an immigration officer or there is other reliable*
15 *evidence that affirmatively indicates that the in-*
16 *dividual is an inadmissible or deportable alien.*

17 “(E) *The Secretary otherwise has reasonable*
18 *grounds to believe that the individual who is the*
19 *subject of the detainer is an inadmissible or de-*
20 *portable alien.*

21 “(3) *TRANSFER OF CUSTODY.—If the Federal,*
22 *State, or local law enforcement entity, official, or*
23 *other personnel to whom a detainer is issued complies*
24 *with the detainer and detains for purposes of transfer*
25 *of custody to the Department of Homeland Security*

1 *the individual who is the subject of the detainer, the*
2 *Department may take custody of the individual with-*
3 *in 48 hours (excluding weekends and holidays), but in*
4 *no instance more than 96 hours, following the date*
5 *that the individual is otherwise to be released from*
6 *the custody of the relevant Federal, State, or local law*
7 *enforcement entity.*

8 “(4) *REMOVAL.—A civil action or criminal pros-*
9 *ecution that is commenced in a State court and that*
10 *is against or directed to a State or local government*
11 *entity (and an official or other personnel of the State*
12 *or local government entity acting in their official ca-*
13 *pacities), and a nongovernmental entity (and its per-*
14 *sonnel) contracted by the State or local government*
15 *for the purpose of providing detention, acting in com-*
16 *pliance with a Department of Homeland Security de-*
17 *tainer issued pursuant to this section that tempo-*
18 *rarily holds an alien in their custody pursuant to the*
19 *terms of a detainer so that the alien may be taken*
20 *into the custody of the Department of Homeland Se-*
21 *curity may be removed by them to the district court*
22 *of the United States for the district and division em-*
23 *bracing the place wherein it is pending or to the dis-*
24 *trict court of the United States for the district and*

1 *division in which the defendant was served with proc-*
2 *ess.*

3 “(5) *IMMUNITY.—A State or local government*
4 *entity (and an official or other personnel of the State*
5 *or local government entity acting in their official ca-*
6 *pacities), and a nongovernmental entity (and its per-*
7 *sonnel) contracted by the State or local government*
8 *for the purpose of providing detention, acting in com-*
9 *pliance with a Department of Homeland Security de-*
10 *tainer issued pursuant to this section that tempo-*
11 *rarily holds an alien in their custody pursuant to the*
12 *terms of a detainer so that the alien may be taken*
13 *into the custody of the Department of Homeland Se-*
14 *curity, shall be considered to be acting under color of*
15 *Federal authority for purposes of determining their*
16 *liability and shall be held harmless for their compli-*
17 *ance with the detainer in any suit seeking any puni-*
18 *tive, compensatory, or other monetary damages.*

19 “(6) *FEDERAL GOVERNMENT AS DEFENDANT.—*
20 *Following removal of any civil action arising out of*
21 *the compliance with a Department of Homeland Se-*
22 *curity detainer by a State or local government (and*
23 *the officials and personnel of the State or local gov-*
24 *ernment acting in their official capacities), or a non-*
25 *governmental entity (and its personnel) contracted by*

1 *the State or local government for the purpose of pro-*
2 *viding detention, the United States Government shall*
3 *be substituted as the party defendant in the suit in*
4 *regard to the detention resulting from compliance*
5 *with the detainer.*

6 “(7) *MISTREATMENT EXCEPTION.*—*Paragraphs*
7 *(5) and (6) shall not apply for claims the district*
8 *court determines arose from any mistreatment of an*
9 *individual by a State or a local government (and the*
10 *officials and personnel of the State or local govern-*
11 *ment acting in their official capacities), or a non-*
12 *governmental entity (and its personnel) contracted by*
13 *the State or local government for the purpose of pro-*
14 *viding detention.*

15 “(8) *CONTRARY LAWS SUPERSEDED.*—*The provi-*
16 *sions under this section shall supersede any and all*
17 *State and local laws, ordinances, regulations, and*
18 *policies that directly or indirectly prohibit or restrict,*
19 *in whole or in part, the activities described in such*
20 *section.*

21 “(9) *PRIVATE RIGHT OF ACTION.*—

22 “(A) *CAUSE OF ACTION.*—*Any individual,*
23 *or a spouse, parent, or child of that individual*
24 *(if the individual is deceased), who is the victim*
25 *of a murder, rape, any felony (as such terms are*

1 *defined by the prosecuting jurisdiction), or any*
2 *aggravated felony (as defined in section*
3 *101(a)(43) of the Immigration and Nationality*
4 *Act (8 U.S.C. 1101(a)(43)), for which an alien*
5 *has been convicted may bring an action for com-*
6 *pensatory damages against a State or local gov-*
7 *ernment (or public official acting in an official*
8 *capacity) in the appropriate Federal court if the*
9 *State or local government, except as provided in*
10 *subparagraphs (B) and (D)—*

11 “(i) *released the alien from custody*
12 *prior to the commission of such crime as a*
13 *consequence of the State or local government*
14 *declining to honor a detainer issued pursu-*
15 *ant to paragraph (1);*

16 “(ii) *has in effect a statute, policy, or*
17 *practice not in compliance with section 642*
18 *of the Illegal Immigration Reform and Im-*
19 *migrant Responsibility Act of 1996 (8*
20 *U.S.C. 1373) and as a consequence of its*
21 *statute, policy, or practice, released the*
22 *alien from custody prior to the commission*
23 *of such crime; or*

24 “(iii) *has in effect a statute, policy, or*
25 *practice requiring a subordinate local gov-*

1 *ernment to decline to honor any or all de-*
2 *tainers issued pursuant to paragraph (1)*
3 *and as a consequence of its statute, policy*
4 *or practice, the subordinate local govern-*
5 *ment declined to honor a detainer issued*
6 *pursuant to such section and released the*
7 *alien from custody prior to the commission*
8 *of such crime.*

9 *“(B) EXCEPTION.—Subparagraph (A) shall*
10 *not apply to any individual who committed an*
11 *offense described in such subparagraph.*

12 *“(C) LIMITATION ON BRINGING ACTION.—*
13 *An action may not be brought under this para-*
14 *graph later than the date that is 10 years fol-*
15 *lowing the commission of the crime, or death of*
16 *a person as a result of such crime, whichever oc-*
17 *curs later.*

18 *“(D) PROPER DEFENDANT.—If a subordi-*
19 *nate local government—*

20 *“(i) declines to honor a detainer issued*
21 *pursuant to paragraph (1) as a consequence*
22 *of a prohibition imposed on that subordi-*
23 *nate local government by a State or another*
24 *local government with jurisdiction over the*
25 *subordinate local government that prohibits*

1 the subordinate local government from hon-
2 oring the detainer or fully complying with
3 section 642 of the *Illegal Immigration Re-*
4 *form and Immigrant Responsibility Act of*
5 1996 (8 U.S.C. 1373); and

6 “(ii) as a consequence of the statute or
7 other legal requirement of the State or local
8 government, the subdivision released the
9 alien referred to in subparagraph (A) from
10 custody prior to the commission of the
11 crime referred to in that paragraph,

12 the State or other local government that imposed
13 the prohibition shall be the proper defendant in
14 a cause of action under this subsection, and no
15 such cause of action may be maintained against
16 the local government that declined to honor the
17 detainer.

18 “(E) ATTORNEY’S FEES AND OTHER
19 COSTS.—In any action or proceeding under this
20 paragraph, the court shall award a prevailing
21 plaintiff a reasonable attorney’s fee and a rea-
22 sonable expert fee as part of the costs.

23 “(F) RETROACTIVITY.—Subject to the limi-
24 tation in subparagraph (C), an action under
25 subparagraph (A) may be brought with respect

1 to an offense described in such subparagraph
2 (A)—

3 “(i) committed not earlier than 10
4 years before the date of enactment of the
5 Shut Down Sanctuary Policies Act of 2026;
6 or

7 “(ii) committed on or after the date of
8 enactment of the Shut Down Sanctuary
9 Policies Act of 2026.”.

10 **SEC. 4. CONSTRUCTION; SEVERABILITY.**

11 Any provision of this Act, or an amendment made by
12 this Act, held to be invalid or unenforceable by its terms,
13 or as applied to any person or circumstance, shall be con-
14 strued so as to give it the maximum effect permitted by
15 law, unless such holding is that the provision of law is in-
16 valid or unenforceable, in which event such provision shall
17 be deemed severable from this Act and shall not affect the
18 remainder of this Act, or the application of such provision
19 to other persons not similarly situated or to other, dis-
20 similar circumstances.

Union Calendar No. 465

119TH CONGRESS
2D Session

H. R. 7640

[Report No. 119-541]

A BILL

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MARCH 12, 2026

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed