

119TH CONGRESS
2D SESSION

S. 3790

To condition certain Federal funds for States and local governments on cooperation with Federal immigration enforcement authorities, to deter illegal entry and reentry into the United States, to increase criminal penalties for crimes committed after illegal reentry into the United States, to protect Federal officers and employees from agitators using loud noises to interfere with the performance of their official duties, and to exclude organizations that promote, incite, or provide material support for criminal violence from the tax benefits available under section 501(c)(3) of the Internal Revenue Code of 1986.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 5, 2026

Mr. SCHMITT introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To condition certain Federal funds for States and local governments on cooperation with Federal immigration enforcement authorities, to deter illegal entry and reentry into the United States, to increase criminal penalties for crimes committed after illegal reentry into the United States, to protect Federal officers and employees from agitators using loud noises to interfere with the performance of their official duties, and to exclude organizations that promote, incite, or provide material support for criminal violence from the tax benefits available under section 501(c)(3) of the Internal Revenue Code of 1986.

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; TABLE OF CONTENTS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the
 5 “Protect America Act”.

6 (b) **TABLE OF CONTENTS.**—The table of contents for
 7 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—CONDITIONS, COORDINATION, AND CIVIL LIABILITY

Sec. 100. Short title.

**Subtitle A—Conditions on Federal Funds Related to Immigration Law
 Cooperation**

Sec. 101. Finding; purposes; authority.

Sec. 102. Definitions.

Sec. 103. Condition for the receipt of covered Federal funds.

Sec. 104. Centralized determination and publication of noncompliant jurisdic-
 tions.

Sec. 105. Notice and opportunity to cure.

Sec. 106. Ineligibility, termination, and recovery of funds.

Sec. 107. Rules of construction.

Sec. 108. Effective date.

Sec. 109. Severability.

**Subtitle B—Immigration Status Information and Custody Coordination
 Requirements for Federally Funded Detention Facilities**

Sec. 121. Finding; purposes; authority.

Sec. 122. Definitions.

Sec. 123. Duty to determine and communicate immigration status information.

Sec. 124. Ongoing information-sharing and access requirements.

Sec. 125. Detainer coordination.

Sec. 126. Substantial burden prohibition.

Sec. 127. Recordkeeping requirements.

Sec. 128. Enforcement.

Sec. 129. Rules of construction.

Sec. 130. Effective date.

Sec. 131. Severability.

Subtitle C—Civil Remedy for Harm Resulting From Sanctuary Policies

Sec. 141. Purpose; authority.

Sec. 142. Definitions.

Sec. 143. Private right of action.

Sec. 144. Relief.

Sec. 145. Waiver of immunity as a condition of receiving Federal funds.

- Sec. 146. Prohibition on use of Federal funds for judgments or indemnification.
- Sec. 147. Rules regarding proof and causation.
- Sec. 148. Statute of limitations.
- Sec. 149. Rules of construction.
- Sec. 150. Severability.
- Sec. 151. Effective date.

Subtitle D—No Student Visas for Sanctuary Cities

- Sec. 161. Short title.
- Sec. 162. Limitation on availability of F-visas and M-visas for institutions in sanctuary jurisdictions.

TITLE II—INCREASING PENALTIES FOR ILLEGAL ENTRY AND REENTRY

- Sec. 201. Short title.
- Sec. 202. Purposes.
- Sec. 203. Increasing penalties for illegal entry.
- Sec. 204. Increasing penalties for illegal reentry.

TITLE III—PROTECT LAW ENFORCEMENT

Subtitle A—Shielding Heroes in Enforcement From Loud Disruptions

- Sec. 301. Short titles.
- Sec. 302. Amendment.

Subtitle B—Federal Officer Protection

- Sec. 311. Short title.
- Sec. 312. Increased penalties and adjusted mandatory minimum sentences for assaulting Federal officers.
- Sec. 313. Applicability.

TITLE IV—DEFUNDING ROGUE NONPROFITS

- Sec. 401. Short title.
- Sec. 402. Special rules for certain charitable organizations.

1 **TITLE I—CONDITIONS, COORDI-**
 2 **NATION, AND CIVIL LIABILITY**

3 **SEC. 100. SHORT TITLE.**

4 This title may be cited as the “No Sanctuary Cities
 5 Act”.

1 **Subtitle A—Conditions on Federal**
2 **Funds Related to Immigration**
3 **Law Cooperation**

4 **SEC. 101. FINDING; PURPOSES; AUTHORITY.**

5 (a) **FINDING.**—Congress finds that the conditions im-
6 posed by this subtitle are unambiguous, directly related
7 to the Federal interest in immigration enforcement and
8 public safety, and knowingly and voluntarily accepted by
9 any jurisdiction that elects to receive covered Federal
10 funds.

11 (b) **PURPOSES.**—The purposes of this subtitle are—

12 (1) to ensure Federal funds are not obligated or
13 expended in a manner that subsidizes, facilitates, or
14 incentivizes State or local policies that obstruct the
15 enforcement of Federal immigration law; and

16 (2) to protect the Federal interests in immigra-
17 tion enforcement, national security, and public safe-
18 ty.

19 (c) **AUTHORITY.**—Congress enacts this subtitle pur-
20 suant to its authority under—

21 (1) section 8 of article I of the Constitution of
22 the United States, which authorizes Congress to tax
23 and spend for the general welfare, to regulate immi-
24 gration as an inherent attribute of national sov-

1 ereignty, to make all laws necessary and proper for
2 carrying such powers into execution; and

3 (2) clause 2 of article VI of the Constitution of
4 the United States (commonly known as the “Su-
5 premacY Clause”).

6 **SEC. 102. DEFINITIONS.**

7 In this subtitle:

8 (1) COVERED FEDERAL FUNDS.—The term
9 “covered Federal funds” means any grant, coopera-
10 tive agreement, loan, contract, or other form of Fed-
11 eral financial assistance administered by—

12 (A) the Department of Justice;

13 (B) the Department of Homeland Security;

14 (C) the Department of Housing and Urban
15 Development; or

16 (D) the Department of Transportation.

17 (2) COVERED JURISDICTION.—The term “cov-
18 ered jurisdiction” means any State, political subdivi-
19 sion of a State, or any agency or instrumentality of
20 such a State or political subdivision.

21 (3) IMMIGRATION ENFORCEMENT COOPERA-
22 TION.—The term “immigration enforcement co-
23 operation” means compliance with Federal laws gov-
24 erning information sharing, notification, and coordi-

1 nation with U.S. Immigration and Customs Enforce-
2 ment, including—

3 (A) communicating information regarding
4 the citizenship or immigration status of individ-
5 uals in custody;

6 (B) notifying U.S. Immigration and Cus-
7 toms Enforcement when a detained individual is
8 determined to be a noncitizen; and

9 (C) refraining from adopting or enforcing
10 policies that prohibit, restrict, or materially im-
11 pede such communication or coordination.

12 (4) KNOWING OR CONSTRUCTIVE NONCOMPLI-
13 ANCE.—The term “knowing or constructive non-
14 compliance” means that officials of a covered juris-
15 diction knew, or reasonably should have known in
16 light of the facts and circumstances, that the cov-
17 ered jurisdiction was maintaining a sanctuary policy
18 in violation of this title.

19 (5) SANCTUARY POLICY.—The term “sanctuary
20 policy” means any statute, ordinance, regulation,
21 policy, or practice of a covered jurisdiction that pro-
22 hibits, restricts, or materially impedes immigration
23 enforcement cooperation.

1 **SEC. 103. CONDITION FOR THE RECEIPT OF COVERED FED-**
2 **ERAL FUNDS.**

3 (a) CERTIFICATION.—As a condition of receiving cov-
4 ered Federal funds, a covered jurisdiction shall certify
5 that—

6 (1) it does not have in effect any sanctuary pol-
7 icy; and

8 (2) it will not adopt, enforce, or maintain any
9 sanctuary policy during the period for which such
10 funds are obligated or expended.

11 (b) COMPLIANCE.—Acceptance of covered Federal
12 funds constitutes a knowing and voluntary agreement to
13 comply with the requirements under this subtitle.

14 (c) NO EXEMPTIONS.—No officer or employee of the
15 Federal Government may waive, suspend, or otherwise ex-
16 empt a covered jurisdiction from the certification require-
17 ment described in subsection (a).

18 (d) FALSE CLAIMS.—Any certification required
19 under this section is a material condition of payment for
20 purposes of sections 3729 through 3733 of title 31, United
21 States Code.

22 **SEC. 104. CENTRALIZED DETERMINATION AND PUBLICA-**
23 **TION OF NONCOMPLIANT JURISDICTIONS.**

24 (a) IN GENERAL.—A covered jurisdiction shall be
25 considered noncompliant with this subtitle if the covered
26 jurisdiction adopts or maintains a sanctuary policy during

1 a period in which covered Federal funds are obligated or
2 expended.

3 (b) BASIS.—The head of the Federal agency admin-
4 istering covered Federal funds shall make determinations
5 of noncompliance based on law, regulation, policy, or prac-
6 tice in effect within the covered jurisdiction.

7 (c) PERIODIC DETERMINATIONS.—Not later than 60
8 days after the date of the enactment of this Act, and peri-
9 odically thereafter, the Attorney General, in coordination
10 with the Secretary of Homeland Security, shall determine
11 whether any covered jurisdiction is noncompliant with this
12 subtitle or subtitle B.

13 (d) PUBLICATION.—The Attorney General shall pub-
14 lish and maintain a publicly available list of covered juris-
15 dictions determined to be noncompliant under this section.

16 (e) NOTICE.—If a covered jurisdiction is included on
17 the list described in subsection (d), the Attorney General
18 shall provide written notice to the covered jurisdiction
19 identifying the basis for such determination.

20 (f) EVIDENCE.—Inclusion on the list described in
21 subsection (d) shall constitute prima facie evidence of non-
22 compliance for purposes of enforcement under this title.

23 **SEC. 105. NOTICE AND OPPORTUNITY TO CURE.**

24 (a) NOTICE.—Upon a determination of noncompli-
25 ance, the administering Federal agency shall provide writ-

1 ten notice to the covered jurisdiction describing the basis
2 for such determination.

3 (b) RECOVERY.—If a covered jurisdiction is non-
4 compliant during a period in which covered Federal funds
5 have been obligated or expended, the administering Fed-
6 eral agency shall recover—

7 (1) any covered Federal funds obligated or ex-
8 pended after the expiration of the cure period; and

9 (2) any covered Federal funds obligated or ex-
10 pended during a period of knowing or constructive
11 noncompliance occurring prior to notice under sec-
12 tion 104.

13 (c) DEADLINE.—Not later than 30 days after receiv-
14 ing notice under subsection (a), a covered jurisdiction shall
15 repeal, suspend, or otherwise eliminate the sanctuary pol-
16 icy giving rise to noncompliance in order to cure the viola-
17 tion.

18 (d) LIMITATION ON RECOVERY.—Recovery under
19 this section may include funds obligated or expended dur-
20 ing the 5-year period immediately preceding the deter-
21 mination of noncompliance.

22 (e) EFFECT OF CURE.—A covered jurisdiction that
23 cures the violation within the period described in sub-
24 section (c) shall not be subject to the penalties described
25 in section 106 for any period preceding the cure.

1 **SEC. 106. INELIGIBILITY, TERMINATION, AND RECOVERY**
2 **OF FUNDS.**

3 (a) **FAILURE TO CURE.**—A covered jurisdiction that
4 fails to cure a violation within the period provided under
5 section 105(c) shall be ineligible to receive covered Federal
6 funds for any fiscal year during which such noncompliance
7 persists.

8 (b) **TERMINATION AND RECOVERY OF FUNDS.**—If a
9 covered jurisdiction is noncompliant during a period in
10 which covered Federal funds have been obligated or ex-
11 pended, the administering Federal agency shall—

12 (1) terminate further obligation or expenditure
13 of such funds; and

14 (2) recover all covered Federal funds subject to
15 recovery under section 105(b).

16 (c) **REALLOCATION.**—Any funds recovered under this
17 section shall be reallocated, to the extent practicable, to
18 covered jurisdictions that are in compliance with this sub-
19 title.

20 (d) **LIMITATION.**—Actions taken under this section
21 shall be limited to covered Federal funds and shall not
22 apply to unrelated Federal assistance.

23 **SEC. 107. RULES OF CONSTRUCTION.**

24 Nothing in this subtitle may be construed—

25 (1) to require a covered jurisdiction to enact or
26 administer a Federal regulatory program;

1 (2) to limit the authority of the Federal Gov-
2 ernment to enforce Federal immigration law; or

3 (3) to require a State or political subdivision of
4 a State to enact or administer a Federal regulatory
5 program, or to impose any obligation except as a
6 condition on the voluntary receipt of Federal funds.

7 **SEC. 108. EFFECTIVE DATE.**

8 This subtitle shall—

9 (1) take effect on the date of the enactment of
10 this Act; and

11 (2) apply to any covered jurisdiction receiving
12 covered Federal funds on or after such date.

13 **SEC. 109. SEVERABILITY.**

14 If any provision of this subtitle or the application of
15 such a provision to any particular person or circumstance
16 is held to be unconstitutional, the remaining provisions of
17 this subtitle and the application of such provisions to any
18 other person or circumstance shall not be affected.

19 **Subtitle B—Immigration Status In-**
20 **formation and Custody Coordi-**
21 **nation Requirements for Feder-**
22 **ally Funded Detention Facilities**

23 **SEC. 121. FINDING; PURPOSES; AUTHORITY.**

24 (a) FINDING.—Congress finds that the requirements
25 of this subtitle are neutral and generally applicable condi-

1 tions on the receipt of Federal funds, provide clear notice,
2 and are directly related to the Federal interest in immigra-
3 tion enforcement and public safety.

4 (b) PURPOSES.—The purposes of this subtitle are—

5 (1) to ensure detention facilities receiving Fed-
6 eral funds provide timely, complete, and ongoing in-
7 formation and coordination to Federal immigration
8 authorities regarding the immigration status of indi-
9 viduals in custody; and

10 (2) to prevent the use of Federal funds to ob-
11 struct the enforcement of Federal immigration law.

12 (c) AUTHORITY.—Congress enacts this subtitle pur-
13 suant to its authority under—

14 (1) section 8 of article I of the Constitution of
15 the United States, which authorizes Congress to tax
16 and spend for the general welfare, to regulate immi-
17 gration as an inherent attribute of national sov-
18 ereignty, to make all laws necessary and proper for
19 carrying such powers into execution; and

20 (2) clause 2 of article VI of the Constitution of
21 the United States (commonly known as the “Su-
22 premacy Clause”).

23 **SEC. 122. DEFINITIONS.**

24 In this subtitle:

1 (1) COVERED DETENTION FACILITY.—The term
2 “covered detention facility” means any State or local
3 jail, prison, detention center, or other custodial facil-
4 ity, or any agency or instrumentality thereof, that
5 receives covered Federal funds.

6 (2) COVERED FEDERAL FUNDS.—The term
7 “covered Federal funds” means any grant, coopera-
8 tive agreement, loan, contract, or other form of Fed-
9 eral financial assistance administered by—

10 (A) the Department of Justice;

11 (B) the Department of Homeland Security;

12 (C) the Department of Housing and Urban
13 Development; or

14 (D) the Department of Transportation.

15 (3) FEDERAL IMMIGRATION ENFORCEMENT AU-
16 THORITY.—The term “Federal immigration enforce-
17 ment authority” means U.S. Immigration and Cus-
18 toms Enforcement or any successor component of
19 the Department of Homeland Security.

20 (4) IMMIGRATION STATUS INFORMATION.—The
21 term “immigration status information” means any
22 information relating to citizenship, nationality, im-
23 migration status, removability, identity, biographic
24 data, biometric data, or custodial status.

1 (5) NONCITIZEN.—The term “noncitizen”
2 means any individual who is not a citizen or national
3 of the United States.

4 **SEC. 123. DUTY TO DETERMINE AND COMMUNICATE IMMIGRATION STATUS INFORMATION.**
5

6 (a) CONDITION.—As a condition of receiving covered
7 Federal funds, a covered detention facility shall make a
8 reasonable determination of the citizenship status of each
9 individual detained.

10 (b) NOTIFICATION.—Not later than 24 hours after
11 determining a detained individual is a noncitizen, the covered
12 detention facility shall submit notice to a Federal immigration
13 enforcement authority that includes immigration status information
14 regarding such individual.

15 (c) APPLICABILITY.—The duties under subsections
16 (a) and (b) shall apply regardless of the offense charged,
17 the stage of criminal proceedings, or whether release is
18 anticipated.

19 (d) RULE OF CONSTRUCTION.—Nothing in this section
20 may be construed to require a covered detention facility
21 to make a final legal determination of removability.

22 **SEC. 124. ONGOING INFORMATION-SHARING AND ACCESS REQUIREMENTS.**
23

24 (a) IN GENERAL.—A covered detention facility shall
25 provide Federal immigration enforcement authorities with

1 ongoing access to immigration status information, includ-
2 ing updates regarding—

3 (1) transfers of custody;

4 (2) changes in charges or custodial status;

5 (3) bail, bond, or sentencing determinations;

6 and

7 (4) anticipated release eligibility.

8 (b) **REASONABLE ACCESS.**—A covered detention fa-
9 cility shall permit reasonable access by Federal immigra-
10 tion enforcement authorities to detained noncitizens for
11 the purpose of interviews, identification, record review,
12 and the lodging of detainees.

13 (c) **PROHIBITIONS.**—A covered detention facility may
14 not delay, withhold, or condition the provision of informa-
15 tion or access required under this section based on local
16 law, policy, or practice.

17 **SEC. 125. DETAINER COORDINATION.**

18 (a) **IN GENERAL.**—As a condition of receiving cov-
19 ered Federal funds, a covered detention facility shall honor
20 a detainer lawfully issued by a Federal immigration en-
21 forcement authority by providing such authority advance
22 notice of an individual’s scheduled release and coordi-
23 nating a transfer of custody.

1 (b) CLASSIFICATION.—Compliance with a detainer
2 under this section shall be deemed a Federal function car-
3 ried out pursuant to Federal authority.

4 **SEC. 126. SUBSTANTIAL BURDEN PROHIBITION.**

5 (a) IN GENERAL.—Except as provided in subsection
6 (c) no State, political subdivision of a State, or covered
7 detention facility may impose or enforce any law, policy,
8 or practice that substantially burdens the provision of im-
9 migration status information, access, or coordination re-
10 quired under this subtitle.

11 (b) SUBSTANTIAL BURDEN.—A law, policy, or prac-
12 tice imposes a substantial burden if it directly or indirectly
13 inhibits, delays, penalizes, or deters compliance with this
14 subtitle.

15 (c) EXCEPTIONS.—A substantial burden may be im-
16 posed only if the jurisdiction imposing such burden dem-
17 onstrates that the burden—

18 (1) furthers a compelling governmental interest;

19 and

20 (2) is the least restrictive means of furthering
21 such interest.

22 **SEC. 127. RECORDKEEPING REQUIREMENTS.**

23 (a) IN GENERAL.—Each covered detention facility
24 shall retain records sufficient to document compliance
25 with this subtitle, including—

1 (1) determinations of citizenship or immigration
2 status;

3 (2) communications with Federal immigration
4 authorities;

5 (3) detainer requests and responses; and

6 (4) custody transfer or release information.

7 (b) **RETENTION PERIOD.**—Records described in sub-
8 section (a) shall be retained for not less than 5 years.

9 (c) **AVAILABILITY.**—Records retained pursuant to
10 this section shall be made available, upon request, to the
11 Department of Justice or the Department of Homeland
12 Security.

13 **SEC. 128. ENFORCEMENT.**

14 (a) **VIOLATION.**—A violation of this subtitle shall con-
15 stitute a failure of a covered detention facility to comply
16 with conditions on the receipt of covered Federal funds.

17 (b) **EFFECT OF NONCOMPLIANCE.**—Upon a deter-
18 mination of noncompliance, the Attorney General or the
19 Secretary of Homeland Security shall—

20 (1) suspend or terminate covered Federal funds
21 to the noncompliant covered detention facility;

22 (2) recover all covered Federal funds obligated
23 or expended by the noncompliant covered detention
24 facility during the period of noncompliance; and

1 (3) seek declaratory or injunctive relief, as ap-
2 propriate.

3 **SEC. 129. RULES OF CONSTRUCTION.**

4 Nothing in this subtitle may be construed—

5 (1) to require a State or local government to
6 enact or administer a Federal regulatory program;

7 (2) to limit the authority of the Federal Gov-
8 ernment to enforce Federal immigration law; or

9 (3) to require a State or political subdivision of
10 a State to enact or administer a Federal regulatory
11 program, or to impose any obligation except as a
12 condition on the voluntary receipt of Federal funds.

13 **SEC. 130. EFFECTIVE DATE.**

14 This subtitle shall—

15 (1) take effect on the date of the enactment of
16 this Act; and

17 (2) apply to any covered detention facility re-
18 ceiving covered Federal funds on or after such date.

19 **SEC. 131. SEVERABILITY.**

20 If any provision of this subtitle or the application of
21 such provision to any particular person or circumstance
22 is held to be unconstitutional, the remaining provisions of
23 this subtitle and the application of such provisions to any
24 other person or circumstance shall not be affected.

1 **Subtitle C—Civil Remedy for Harm**
2 **Resulting From Sanctuary Policies**

3 **SEC. 141. PURPOSE; AUTHORITY.**

4 (a) PURPOSES.—The purposes of this subtitle are to
5 provide a civil remedy to persons injured by serious violent
6 crime committed by removable aliens if a State or local
7 government’s sanctuary policy obstructed Federal immi-
8 gration enforcement and foreseeably contributed to the
9 alien’s continued presence at liberty.

10 (b) AUTHORITY.—Congress enacts this subtitle pur-
11 suant to its authority under—

12 (1) section 8 of article I of the Constitution of
13 the United States, which authorizes Congress to reg-
14 ulate immigration as an inherent attribute of na-
15 tional sovereignty, to provide for the general welfare,
16 and to make all laws necessary and proper for car-
17 rying such powers into execution; and

18 (2) clause 2 of article VI of the Constitution of
19 the United States (commonly known as the “Su-
20 premacy Clause”).

21 **SEC. 142. DEFINITIONS.**

22 In this subtitle:

23 (1) CONSTRUCTIVE KNOWLEDGE.—The term
24 “constructive knowledge” means officials of a cov-
25 ered jurisdiction knew, or reasonably should have

1 known in light of the facts and circumstances,
2 that—

3 (A) the individual was a removable alien;
4 and

5 (B) a sanctuary policy prohibited, re-
6 stricted, or materially impeded immigration en-
7 forcement cooperation with respect to the indi-
8 vidual.

9 (2) COVERED FEDERAL FUNDS.—The term
10 “covered Federal funds” has the meaning given such
11 term in section 102.

12 (3) COVERED JURISDICTION.—The term “cov-
13 ered jurisdiction” means any State, political subdivi-
14 sion of a State, or any agency or instrumentality of
15 such State or subdivision.

16 (4) FEDERAL IMMIGRATION ENFORCEMENT AU-
17 THORITY.—The term “Federal immigration enforce-
18 ment authority” means U.S. Immigration and Cus-
19 toms Enforcement or any successor component of
20 the Department of Homeland Security.

21 (5) REMOVABLE ALIEN.—The term “removable
22 alien” means an alien (as defined in section
23 101(a)(3) of the Immigration and Nationality Act (8
24 U.S.C. 1101(a)(3))) who is unlawfully present in the

1 United States or otherwise subject to removal under
2 Federal immigration law.

3 (6) SANCTUARY POLICY.—The term “sanctuary
4 policy” means any statute, ordinance, regulation,
5 policy, practice, directive, guidance, or custom of a
6 covered jurisdiction that prohibits, restricts, or ma-
7 terially impedes, directly or indirectly—

8 (A) sending, receiving, maintaining, access-
9 ing, or exchanging with a Federal immigration
10 enforcement authority information regarding
11 the citizenship, nationality, immigration status,
12 removability, identity, location, transfer, deten-
13 tion, or custodial status of any individual; or

14 (B) complying with a lawful request or de-
15 tainer issued by a Federal immigration enforce-
16 ment authority, including a request to provide
17 notice, access, transfer coordination, or tem-
18 porary detention following the time the indi-
19 vidual would otherwise be released.

20 (7) SERIOUS VIOLENT FELONY.—The term “se-
21 rious violent felony” means murder, voluntary man-
22 slaughter, rape, sexual assault, aggravated sexual
23 abuse, child sexual abuse, kidnapping, human traf-
24 ficking, armed robbery, carjacking, aggravated as-
25 sault resulting in serious bodily injury, or any felony

1 offense that has as an element the use, attempted
2 use, or threatened use of physical force against the
3 person of another.

4 **SEC. 143. PRIVATE RIGHT OF ACTION.**

5 (a) CIVIL ACTION AUTHORIZED.—Any individual
6 who suffers personal injury, or the estate, survivors, or
7 heirs of an individual who is killed, as a result of a serious
8 violent felony committed by a removable alien may bring
9 a civil action against a covered jurisdiction in an appro-
10 priate Federal district court if the requirements of sub-
11 section (b) are satisfied.

12 (b) BURDEN OF PROOF.—To prevail in an action
13 under this section, a plaintiff shall establish, by a prepon-
14 derance of the evidence, that—

15 (1) the covered jurisdiction adopted, enforced,
16 or maintained a sanctuary policy;

17 (2) with respect to the removable alien, the cov-
18 ered jurisdiction had constructive knowledge;

19 (3) the sanctuary policy was a substantial fac-
20 tor that prohibited, restricted, or materially impeded
21 a Federal immigration enforcement authority from
22 obtaining timely information about, access to, cus-
23 tody of, or the ability to remove the removable alien;
24 and

1 (4) the plaintiff's injury or death was a foresee-
2 able and proximate result of the covered jurisdic-
3 tion's conduct described in paragraphs (1) through
4 (3).

5 (c) CONSTRUCTIVE KNOWLEDGE.—If a covered juris-
6 diction is included on the list published under section 104
7 during the relevant period, such inclusion shall give rise
8 to a rebuttable presumption that the covered jurisdiction
9 had constructive knowledge for purposes of subsection
10 (b)(2).

11 (d) DEFENSE.—It shall not be a defense to an action
12 under this subtitle that the covered jurisdiction acted pur-
13 suant to State or local law, policy, or directive.

14 (e) EVIDENTIARY STANDARD.—A plaintiff shall not
15 be required to prove that the removable alien was con-
16 victed of the serious violent felony if the plaintiff estab-
17 lishes, by a preponderance of the evidence, that the remov-
18 able alien committed the serious violent felony.

19 (f) VENUE.—An action under this subtitle may be
20 brought in the judicial district in which—

21 (1) the injury occurred;

22 (2) the sanctuary policy was adopted, enforced,
23 or maintained; or

24 (3) the covered jurisdiction is located.

1 **SEC. 144. RELIEF.**

2 (a) **COMPENSATORY DAMAGES.**—In an action under
3 section 143, a prevailing plaintiff may recover compen-
4 satory damages.

5 (b) **ATTORNEYS' FEES AND COSTS.**—In an action
6 under section 143, the court shall award a prevailing
7 plaintiff reasonable attorneys' fees and costs, including
8 reasonable expert witness fees.

9 (c) **JOINT LIABILITY.**—A covered jurisdiction found
10 liable under this subtitle shall be jointly and severally lia-
11 ble for the full amount of damages awarded under a civil
12 action authorized under this subtitle.

13 **SEC. 145. WAIVER OF IMMUNITY AS A CONDITION OF RE-**
14 **CEIVING FEDERAL FUNDS.**

15 (a) **CONDITION.**—As a condition of receiving covered
16 Federal funds or any Federal financial assistance adminis-
17 tered by the Department of Justice or the Department of
18 Homeland Security, a covered jurisdiction shall be deemed
19 to have waived any claim of sovereign immunity, including
20 immunity under the Eleventh Amendment to the United
21 States Constitution, with respect to a civil action brought
22 under this subtitle.

23 (b) **APPLICABILITY.**—The waiver described in sub-
24 section (a) applies only to claims arising from conduct oc-
25 ccurring during a period in which the covered jurisdiction
26 accepted Federal funds described in subsection (a).

1 (c) RULE OF CONSTRUCTION.—Nothing in this sec-
2 tion may be construed to require a covered jurisdiction to
3 accept Federal funds.

4 **SEC. 146. PROHIBITION ON USE OF FEDERAL FUNDS FOR**
5 **JUDGMENTS OR INDEMNIFICATION.**

6 No Federal funds may be used to satisfy any judg-
7 ment, settlement, indemnification obligation, or insurance
8 premium arising from liability under this subtitle.

9 **SEC. 147. RULES REGARDING PROOF AND CAUSATION.**

10 (a) MATERIAL IMPEDIMENT.—For purposes of sec-
11 tion 143(b)(3), a sanctuary policy “materially impeded”
12 Federal immigration enforcement if the policy reasonably
13 tended to delay, deter, or prevent a Federal immigration
14 enforcement authority from receiving timely information,
15 obtaining timely access, or taking custody of the remov-
16 able alien.

17 (b) FORESEEABILITY.—For purposes of section
18 143(b)(4), an injury is foreseeable if, in light of the cir-
19 cumstances, a reasonable person would recognize that ob-
20 structing immigration enforcement cooperation with re-
21 spect to a removable alien increases the risk that the alien
22 will remain at liberty and commit a serious violent felony.

23 (c) RULE OF CONSTRUCTION.—Nothing in this sub-
24 title may be construed to impose liability on a covered ju-

1 jurisdiction for the independent criminal acts of another ab-
2 sent the elements set forth in section 143(b).

3 (d) **EXCLUSIVE REQUIREMENTS.**—In an action under
4 this subtitle, the elements listed in section 143(b) shall
5 constitute the exclusive requirements for establishing li-
6 ability.

7 **SEC. 148. STATUTE OF LIMITATIONS.**

8 An action under this subtitle may be brought not
9 later than 10 years after the date on which the injury or
10 death giving rise to the action occurred.

11 **SEC. 149. RULES OF CONSTRUCTION.**

12 Nothing in this subtitle may be construed—

13 (1) to limit the authority of the United States
14 to enforce Federal immigration law; or

15 (2) to create liability for a covered jurisdiction
16 solely because the jurisdiction received Federal
17 funds, absent the elements listed in section 143(b).

18 **SEC. 150. SEVERABILITY.**

19 If any provision of this subtitle, or the application
20 of such provision to any person or circumstance, is held
21 invalid, the remainder of this subtitle and the application
22 of such provisions to any other person or circumstance
23 shall not be affected.

24 **SEC. 151. EFFECTIVE DATE.**

25 This subtitle shall—

1 (1) take effect on the date of the enactment of
2 this Act; and

3 (2) apply to injuries occurring on or after such
4 date.

5 **Subtitle D—No Student Visas for**
6 **Sanctuary Cities**

7 **SEC. 161. SHORT TITLE.**

8 This subtitle may be cited as the “No Student Visas
9 for Sanctuary Cities Act of 2026”.

10 **SEC. 162. LIMITATION ON AVAILABILITY OF F-VISAS AND M-**
11 **VISAS FOR INSTITUTIONS IN SANCTUARY JU-**
12 **RISDICTIONS.**

13 Section 214(m) of the Immigration and Nationality
14 Act (8 U.S.C. 1184(m)) is amended by adding at the end
15 the following:

16 “(3)(A) The Secretary of Homeland Security shall,
17 for each fiscal year, identify sanctuary jurisdictions for
18 purposes of this paragraph.

19 “(B) In the case of an alien who seeks a visa under
20 or to be accorded status as a nonimmigrant under section
21 101(a)(15)(F) to pursue a course of study at an estab-
22 lished college, university, conservatory, academic high
23 school, elementary school, or other academic institution or
24 in an accredited language training program in the United
25 States, if such college, university, conservatory, academic

1 high school, elementary school, or other academic institu-
2 tion or accredited language training program is located in
3 a sanctuary jurisdiction, such visa may not be issued nor
4 may such status be accorded.

5 “(C) In the case of an alien who seeks a visa under
6 or to be accorded status as a nonimmigrant under section
7 101(a)(15)(M) to pursue a full course of study at an es-
8 tablished vocational or other recognized nonacademic in-
9 stitution (other than in a language training program) in
10 the United States, if such vocational or other recognized
11 nonacademic institution is located in a sanctuary jurisdic-
12 tion, such visa may not be issued nor may such status
13 be accorded.

14 “(D) The prohibition under subparagraphs (B) and
15 (C) do not apply for a fiscal year in the case of a State
16 or unit of local government identified as a sanctuary juris-
17 diction if the Secretary of Homeland Security thereafter
18 determines that such State or unit of local government
19 is no longer a sanctuary jurisdiction and submits a report
20 to Congress to that effect.

21 “(E) In this paragraph, the term ‘sanctuary jurisdic-
22 tion’ means any State or unit of local government that
23 has laws, ordinances, regulations, resolutions, policies, or
24 other practices that obstruct immigration enforcement and

1 shield criminals from U.S. Immigration and Customs En-
 2 forcement, including by—

3 “(i) refusing to or prohibiting agencies from
 4 complying with U.S. Immigration and Customs En-
 5 forcement detainers;

6 “(ii) imposing unreasonable conditions on U.S.
 7 Immigration and Customs Enforcement detainer
 8 compliance;

9 “(iii) denying U.S. Immigration and Customs
 10 Enforcement access to interview incarcerated aliens;
 11 or

12 “(iv) otherwise impeding communication or in-
 13 formation exchanges between the jurisdiction’s per-
 14 sonnel and Federal immigration officers.”.

15 **TITLE II—INCREASING PEN-**
 16 **ALTIES FOR ILLEGAL ENTRY**
 17 **AND REENTRY**

18 **SEC. 201. SHORT TITLE.**

19 This title may be cited as the “Stopping Invaders
 20 Act”.

21 **SEC. 202. PURPOSES.**

22 The purposes of this title are—

23 (1) to deter aliens from attempting to illegally
 24 enter the United States; and

1 (2) to punish aliens who attempt to or success-
2 fully illegally enter the United States.

3 **SEC. 203. INCREASING PENALTIES FOR ILLEGAL ENTRY.**

4 Section 275 of the Immigration and Nationality Act
5 (8 U.S.C. 1325) is amended—

6 (1) by amending subsection (a) to read as fol-
7 lows:

8 “(a) Any alien who enters or attempts to enter the
9 United States at any time or place other than as des-
10 ignated by immigration officers eludes examination or in-
11 spection by immigration officers, or attempts to enter or
12 obtains entry to the United States by a willfully false or
13 misleading representation or the willful concealment of a
14 material fact, shall—

15 “(1) for the first commission of any such of-
16 fense, be fined under title 18, United States Code,
17 imprisoned for a period of at least 1 year and not
18 more than 5 years, or both; and

19 “(2) for a subsequent commission of any such
20 offense, be fined under such title 18, imprisoned for
21 a period of at least 2 years and not more than 10
22 years, or both.”;

23 (2) in subsection (b), by amending paragraph
24 (1) to read as follows:

1 “(1) at least \$25,000 and not more than
2 \$100,000 for each such entry (or attempted entry);
3 or”;

4 (3) by adding at the end the following:

5 “(e) MANDATORY DETENTION.—

6 “(1) IN GENERAL.—Notwithstanding any other
7 provision of law, an alien charged with an offense
8 described in subsection (a) shall be detained pending
9 the completion of all criminal proceedings relating to
10 such offense, including sentencing.

11 “(2) NO RELEASE.—An alien described in para-
12 graph (1) may not be released on bond, parole, re-
13 cognizance, or any other form of release during the
14 period of detention required under this subsection.”.

15 **SEC. 204. INCREASING PENALTIES FOR ILLEGAL REENTRY.**

16 Section 276 of the Immigration and Nationality Act
17 (8 U.S.C. 1326) is amended—

18 (1) by redesignating subsections (c) and (d) as
19 subsections (d) and (e), respectively;

20 (2) by striking subsections (a) and (b) and in-
21 serting the following:

22 “(a) DEFINED TERM.—In this section, the term ‘re-
23 moval’ includes any agreement in which an alien stipulates
24 to removal related to a criminal charge under Federal or
25 State law.

1 “(b) IN GENERAL.—Except as provided in subsection
2 (c), any alien who—

3 “(1) has been denied admission, excluded, de-
4 ported, or removed or has departed the United
5 States while an order of exclusion, deportation, or
6 removal is outstanding; and

7 “(2) thereafter enters, attempts to enter, or is
8 at any time found in, the United States, unless—

9 “(A) before the alien’s reembarkation at a
10 place outside the United States or the alien’s
11 application for admission from foreign contig-
12 uous territory, the Secretary of Homeland Se-
13 curity has expressly consented to such alien’s
14 reapplying for admission; or

15 “(B) with respect to an alien previously de-
16 nied admission and removed, such alien shall
17 establish that the alien was not required to ob-
18 tain such advance consent under this Act or
19 under any prior Act,

20 shall be fined under title 18, United States Code,
21 imprisoned at least 5 years but not more than 10
22 years, or both.

23 “(c) CRIMINAL PENALTIES FOR REENTRY OF CER-
24 TAIN REMOVED ALIENS.—

1 “(1) IN GENERAL.—Notwithstanding the pen-
2 alty described in subsection (b), and except as pro-
3 vided in subsection (d), an alien described in sub-
4 section (b)—

5 “(A) who was convicted before such re-
6 moval or departure of 3 or more misdemeanors
7 involving drugs, crimes against the person, or
8 both, or a felony (other than an aggravated fel-
9 ony), shall be fined under title 18, United
10 States Code, imprisoned at least 10 years but
11 not more than 20 years, or both;

12 “(B) who has been excluded from the
13 United States pursuant to section 235(c) be-
14 cause the alien was inadmissible under section
15 212(a)(3)(B) or who has been removed from
16 the United States pursuant to title V, and who
17 thereafter, without the permission of the Sec-
18 retary of Homeland Security, enters the United
19 States, or attempts to do so, shall be fined
20 under title 18, United States Code, and impris-
21 oned for at least 10 years but not more than
22 20 years, which sentence shall not run concur-
23 rently with any other sentence;

24 “(C) who was removed from the United
25 States pursuant to section 241(a)(4)(B) who

1 thereafter, without the permission of the Sec-
2 retary of Homeland Security, enters, attempts
3 to enter, or is at any time found in, the United
4 States, shall be fined under title 18, United
5 States Code, imprisoned for at least 10 years
6 but not more than 20 years, or both; or

7 “(D) who has been denied admission, ex-
8 cluded, deported, or removed 3 or more times
9 and thereafter enters, attempts to enter, crosses
10 the border to, attempts to cross the border to,
11 or is at any time found in the United States,
12 shall be fined under title 18, United States
13 Code, imprisoned for at least 10 years but not
14 more than 20 years, or both.”;

15 (3) in subsection (d), as redesignated—

16 (A) by striking “section 242(h)(2)” and in-
17 serting “section 241(a)(4)”; and

18 (B) by striking “Attorney General” and in-
19 serting “Secretary of Homeland Security”; and

20 (4) in subsection (e), as redesignated, in the
21 matter preceding paragraph (1), by striking “sub-
22 section (a)(1) or subsection (b)” and inserting “sub-
23 section (b)(1) or (c)”.

1 **TITLE III—PROTECT LAW**
2 **ENFORCEMENT**
3 **Subtitle A—Shielding Heroes in**
4 **Enforcement From Loud Dis-**
5 **ruptions**

6 **SEC. 301. SHORT TITLES.**

7 This subtitle may be cited as the “Shielding Heroes
8 In Enforcement from Loud Disruptions Act” or the
9 “SHIELD Act”.

10 **SEC. 302. AMENDMENT.**

11 (a) IN GENERAL.—Section 231 of title 18, United
12 States Code, is amended—

13 (1) in subsection (a)—

14 (A) in paragraph (2), by striking “or” at
15 the end;

16 (B) in paragraph (3), by striking “any
17 Federally protected function—”, and inserting
18 “any Federally protected function; or”; and

19 (C) by inserting after paragraph (3) the
20 following:

21 “(4) Whoever commits or attempts to commit
22 any act to obstruct, impede, inhibit, stymie, hinder,
23 hamper, or interfere with any person described in
24 section 1114 of this title while that person is en-
25 gaged in or on account of the performance of official

1 duties or any Federally protected function of that
2 person—”; and

3 (2) by adding at the end the following:

4 “(c) For purposes of this section, ‘interfere with’ in-
5 cludes creating a loud noise that impedes, inhibits, sty-
6 mies, hinders, or hampers the operations or audible com-
7 munications of, by using a device, such as a whistle, mega-
8 phone, or sound amplification device.”.

9 (b) RULE OF CONSTRUCTION.—Nothing in this sub-
10 title, or any amendment made by this subtitle, shall be
11 construed to prohibit the content or expressive aspects of
12 any speech or expressive conduct.

13 (c) SEVERABILITY.—If any provision of this subtitle,
14 an amendment made by this subtitle, or the application
15 of such a provision or amendment to any particular person
16 or circumstance is held invalid, the remaining provisions
17 of this subtitle and amendments made by this subtitle, and
18 the application of such provisions and amendments to any
19 other person or circumstance, shall not be affected there-
20 by.

21 **Subtitle B—Federal Officer** 22 **Protection**

23 **SEC. 311. SHORT TITLE.**

24 This subtitle may be cited as the “Federal Officer
25 Protection Act”.

1 **SEC. 312. INCREASED PENALTIES AND ADJUSTED MANDA-**
2 **TORY MINIMUM SENTENCES FOR ASSAULT-**
3 **ING FEDERAL OFFICERS.**

4 Section 111 of title 18, United States Code, is
5 amended—

6 (1) in subsection (a), by striking “not more
7 than one year” and inserting “not more than 2
8 years”;

9 (2) in subsection (a), by striking “not more
10 than 8 years” and inserting “not less than 2 years
11 and not more than 16 years”;

12 (3) in subsection (b), by striking “not more
13 than 20 years” and inserting “not less than 5 years
14 and not more than 40 years”; and

15 (4) by adding at the end the following:

16 “(d) MANDATORY MINIMUM SENTENCES.—Notwith-
17 standing any other provision of law, a court shall impose
18 a sentence of imprisonment not less than the minimum
19 terms specified under subsections (a) and (b), and no term
20 of imprisonment imposed under those subsections may be
21 suspended, probated, or reduced below such minimum
22 term.”.

23 **SEC. 313. APPLICABILITY.**

24 The amendments made by this subtitle shall apply to
25 offenses committed on or after the date of enactment of
26 this Act.

1 **TITLE IV—DEFUNDING ROGUE**
2 **NONPROFITS**

3 **SEC. 401. SHORT TITLE.**

4 This title may be cited as the “No Rogue Nonprofits
5 Act”.

6 **SEC. 402. SPECIAL RULES FOR CERTAIN CHARITABLE OR-**
7 **GANIZATIONS.**

8 (a) IN GENERAL.—Section 501 of the Internal Rev-
9 enue Code of 1986 is amended by adding at the end the
10 following new subsection:

11 “(s) ADDITIONAL REQUIREMENT FOR CHARITABLE
12 ORGANIZATIONS.—Notwithstanding subsections (e) and
13 (f), for purposes of subsection (c)(3) and section
14 170(c)(2)(B), an organization shall not be treated as orga-
15 nized and operated for exclusively for charitable purposes
16 if such organization promotes, incites, or provides material
17 support for criminal violence.”.

18 (b) RULE OF CONSTRUCTION.—Nothing in this sec-
19 tion or the amendments made by this section shall be con-
20 strued to prohibit or penalize lawful speech, advocacy, or
21 assembly protected by the First Amendment to the Con-
22 stitution of the United States, nor to apply to the discus-
23 sion of ideas absent promotion, incitement, or material
24 support of criminal conduct.

1 (c) EFFECTIVE DATE.—The amendment made by
2 this section shall apply to taxable years beginning after
3 the date of the enactment of this Act.

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