

Earl & Buddy Carter

(Original Signature of Member)

119TH CONGRESS
2D SESSION

H. R. ____

To amend section 642 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373) to clarify and strengthen requirements relating to information sharing between State and local governments and Federal immigration authorities, to prohibit State and local policies that materially restrict such information sharing, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. CARTER of Georgia introduced the following bill; which was referred to the Committee
on _____

A BILL

To amend section 642 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373) to clarify and strengthen requirements relating to information sharing between State and local governments and Federal immigration authorities, to prohibit State and local policies that materially restrict such information sharing, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “No Sanctuary Cities Act of 2026”.

**SEC. 2. AMENDMENT TO THE ILLEGAL IMMIGRATION REFORM
AND IMMIGRANT RESPONSIBILITY ACT OF 1996.**

Section 642 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373) is amended to read as follows:

**“SEC. 642. COMMUNICATION AND INFORMATION SHARING
REGARDING CITIZENSHIP OR IMMIGRATION STATUS.**

“(a) DEFINITIONS.—In this section:

“(1) The term ‘information’ means information that is lawfully obtained and maintained by a State or political subdivision for law enforcement, correctional, or custodial purposes, including—

“(A) immigration or citizenship status;

“(B) custody status;

“(C) scheduled release date and time;

“(D) facility or detention location; and

“(E) transfer or discharge information.

“(2) The term ‘materially restrict’ means to prohibit, delay, condition, or penalize the sharing of information in a manner that interferes with its timely transmission.

“(b) PROHIBITION ON RESTRICTIVE POLICIES.—A State or political subdivision may not enact or enforce any law, regulation, policy, or practice that—

“(1) prohibits or materially restricts any government entity or official from sharing information described in subsection (a), sending such information to, or requesting or receiving such information from the Department of Homeland Security, or

exchanging such information with any other Federal, State, or local government entity;

“(2) subjects any government entity or official to discipline, retaliation, or adverse employment action for the lawful sharing of such information; or

“(3) requires advance approval, supervisory authorization, or procedural delay that materially restricts such information sharing.

“(c) RELEASE NOTIFICATION.—A State or political subdivision shall, upon request by the Department of Homeland Security regarding a specific individual, provide notice of the release of such individual from criminal custody as follows:

“(1) SCHEDULED RELEASE.—In the case of a release scheduled at least 48 hours in advance (including completion of a sentence), notice shall be provided no later than 48 hours prior to such release.

“(2) UNSCHEDULED RELEASE.—In the case of a release ordered by a court or magistrate that was not scheduled 48 hours in advance, the State or political subdivision shall notify the Department of Homeland Security immediately upon the issuance of such order and shall maintain custody of the individual for a period of up to 48 hours to permit the assumption of custody by the Department of Homeland Security.

“(d) OBLIGATION TO RESPOND TO INQUIRIES.—The Department of Homeland Security shall respond to an inquiry by a Federal, State, or local government agency, seeking to verify or ascertain the citizenship or immigration status of any individual within the jurisdiction of the agency for any purpose authorized by law, by providing the requested verification or status information.

“(e) OFFICER IMMUNITY.—Notwithstanding any other provision of law, a law enforcement officer of a State or political subdivision who is acting within the scope of the officer’s official duties shall be

immune, to the same extent as a Federal law enforcement officer, from personal liability arising out of the performance of any duty described in this section, including the authorities to maintain information, notify the Department of Homeland Security, investigate, identify, detain, or transfer to Federal custody an alien for the purposes of enforcing the immigration laws of the United States (as defined in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17))).”.

SEC. 3. ENFORCEMENT.

(a) CIVIL ENFORCEMENT.—The Attorney General may bring a civil action in an appropriate United States district court for declaratory or injunctive relief to enforce compliance with section 642 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373).

(b) GRANT ELIGIBILITY.—A State or political subdivision that is determined by a court of competent jurisdiction to be in knowing violation of such section 642 may be deemed ineligible for grants administered by the Department of Justice for law enforcement purposes, as specified by the Attorney General.

SEC. 4. SEVERABILITY.

If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, the remainder of this Act shall not be affected.
