

119TH CONGRESS
1ST SESSION

H. R. 1680

To amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to expand the prohibition on State noncompliance with enforcement of the immigration laws, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 27, 2025

Mr. EVANS of Colorado (for himself, Mr. CRANK, Ms. BOEBERT, and Mr. HURD of Colorado) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to expand the prohibition on State noncompliance with enforcement of the immigration laws, 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 “Unhandcuffing Police
5 to Locate and Interdict Foreign Transgressors Act” or the
6 “UPLIFT Act”.

1 **SEC. 2. PURPOSE.**

2 Given recent infiltration of American communities by
3 transnational criminal organizations such as Tren de
4 Aragua, the Sinaloa Cartel, and MS–13 and the accom-
5 panying rise in crime that continue to impact American
6 neighborhoods, the purposes of this act is to require law
7 enforcement and other public servants in sanctuary juris-
8 dictions to fully cooperate with the Departments of Justice
9 and Homeland Security to protect American citizens and
10 mitigate the flow of opioids, fentanyl, and other illicit
11 drugs.

12 **SEC. 3. NONCOMPLIANCE WITH ENFORCEMENT OF IMMI-**
13 **GRATION LAW IN SANCTUARY JURISDIC-**
14 **TIONS.**

15 (a) IN GENERAL.—Section 642 of the Illegal Immi-
16 gration Reform and Immigrant Responsibility Act of 1996
17 (8 U.S.C. 1373) is amended—

18 (1) by amending subsection (a) to read as fol-
19 lows:

20 “(a) IN GENERAL.—Notwithstanding any other pro-
21 vision of Federal, State, or local law, no Federal, State,
22 or local government entity, and no individual, may prohibit
23 or in any way restrict, a Federal, State, or local govern-
24 ment entity, official, or other personnel from complying
25 with the immigration laws and policies of the United
26 States or from assisting or cooperating with Federal law

1 enforcement entities, officials, or other personnel regard-
2 ing the enforcement of the immigration laws.”;

3 (2) by amending subsection (b) to read as fol-
4 lows:

5 “(b) LAW ENFORCEMENT ACTIVITIES.—Notwith-
6 standing any other provision of Federal, State, or local
7 law, no Federal, State, or local government entity, and no
8 individual, may prohibit, or in any way restrict, a Federal,
9 State, or local government entity, official, or other per-
10 sonnel from undertaking any of the following law enforce-
11 ment activities with respect to information regarding the
12 citizenship or immigration status, lawful or unlawful, the
13 inadmissibility or deportability, or the custody status, of
14 any individual:

15 “(1) Making inquiries to any individual in order
16 to obtain such information regarding such individual
17 or any other individuals reasonably suspected of
18 being involved in a crime.

19 “(2) Notifying the Federal Government regard-
20 ing the presence of individuals reasonably suspected
21 of being involved in a crime who are encountered by
22 law enforcement officials or other personnel of a
23 State or political subdivision of a State.

1 “(3) Complying with requests for such informa-
2 tion from Federal law enforcement entities, officials,
3 or other personnel.”;

4 (3) in subsection (c), by striking “Immigration
5 and Naturalization Service” and inserting “Depart-
6 ment of Homeland Security”;

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

8 “(d) GOVERNMENT INVOLVEMENT IN IMMIGRATION
9 DETENTION.—Not withstanding any other provision of
10 Federal, State, or local law, no Federal, State, or local
11 government entity, and no individual, may in any way re-
12 strict a Federal, State, or local government entity, official,
13 or other personnel from—

14 “(1) entering into an agreement for the deten-
15 tion of individuals in an immigration detention facil-
16 ity that is owned, managed, or operated by a private
17 entity;

18 “(2) selling any government-owned property for
19 the purpose of establishing an immigration detention
20 facility that is or will be owned, managed, or oper-
21 ated by a private entity;

22 “(3) paying any costs related to the sale, pur-
23 chase, construction, development, ownership, man-
24 agement, or operation of an immigration detention

1 facility that is or will be owned, managed, or oper-
2 ated by a private entity; or

3 “(4) receiving any payment related to the de-
4 tention of individuals in an immigration detention
5 facility that is owned, managed, or operated by a
6 private entity.

7 “(e) STANDING FOR LOCAL JURISDICTIONS TO SEEK
8 INJUNCTIVE RELIEF.—Any local government entity alleg-
9 ing a violation of subsection (a), (b), or (d) by the State
10 in which the entity is located that harms such entity or
11 its residents shall have standing to bring an action against
12 the respective State on behalf of such entity or the resi-
13 dents of such entity in an appropriate district court of the
14 United States to obtain appropriate injunctive relief. The
15 court shall advance on the docket and expedite the disposi-
16 tion of a civil action filed under this subsection to the
17 greatest extent practicable. For purposes of this sub-
18 section, local government entity or its residents shall be
19 considered to have been harmed if the entity or any of
20 its residents experience harm, including financial harm in
21 excess of \$100.

22 “(f) COMPLIANCE.—

23 “(1) ANNUAL DETERMINATION.—The Secretary
24 of Homeland Security shall determine, for each cal-
25 endar year, which States or local government entities

1 are not in compliance with subsection (a) or (b) or
2 (d) and shall report such determinations to Congress
3 by March 1 of each succeeding calendar year.

4 “(2) REPORTS.—The Secretary shall issue a re-
5 port concerning the compliance with subsections (a)
6 and (b) of any particular State or local government
7 entity at the request of the Committee on the Judi-
8 ciary of the House of Representatives or the Com-
9 mittee on the Judiciary of the Senate.

10 “(g) CONSTRUCTION.—Nothing in this section shall
11 require law enforcement officials from States, or from
12 local government entities, to report or arrest victims of
13 or witnesses to a criminal offense.”.

14 **SEC. 4. CLARIFYING THE AUTHORITY OF ICE DETAINERS.**

15 (a) IN GENERAL.—Section 287(d) of the Immigra-
16 tion and Nationality Act (8 U.S.C. 1357(d)) is amended
17 to read as follows:

18 “(d) DETAINER OF INADMISSIBLE OR DEPORTABLE
19 ALIENS.—

20 “(1) IN GENERAL.—In the case of an individual
21 who is arrested by any Federal, State, or local law
22 enforcement official or other personnel for the al-
23 leged violation of any criminal or motor vehicle law,
24 the Secretary may issue a detainer regarding the in-
25 dividual to any Federal, State, or local law enforce-

1 ment entity, official, or other personnel if the Sec-
2 retary has probable cause to believe that the indi-
3 vidual is an inadmissible or deportable alien.

4 “(2) PROBABLE CAUSE.—The Secretary may
5 establish probable cause if—

6 “(A) the individual who is the subject of
7 the detainer matches, pursuant to biometric
8 confirmation or other Federal database records,
9 the identity of an alien who the Secretary has
10 reasonable grounds to believe to be inadmissible
11 or deportable;

12 “(B) the individual who is the subject of
13 the detainer is the subject of ongoing removal
14 proceedings, including matters where a charg-
15 ing document has already been served;

16 “(C) the individual who is the subject of
17 the detainer has previously been ordered re-
18 moved from the United States and such an
19 order is administratively final;

20 “(D) the individual who is the subject of
21 the detainer has made voluntary statements or
22 provided reliable evidence that indicate that
23 they are an inadmissible or deportable alien; or

24 “(E) the Secretary otherwise has probable
25 cause to believe that the individual who is the

1 subject of the detainer is an inadmissible or de-
2 portable alien.

3 “(3) TRANSFER OF CUSTODY.—If the Federal,
4 State, or local law enforcement entity, official, or
5 other personnel to whom a detainer is issued com-
6 plies with the detainer and detains the individual
7 who is the subject of the detainer for purposes of
8 transfer of custody to the Department of Homeland
9 Security, the Department may take custody of the
10 individual within 48 hours (excluding weekends and
11 holidays), but in no instance more than 96 hours,
12 following the date that the individual is otherwise to
13 be released from the custody of the relevant Federal,
14 State, or local law enforcement entity.”.

15 (b) IMMUNITY; PRIVATE RIGHT OF ACTION.—Section
16 287 of the Immigration and Nationality Act (8 U.S.C.
17 1357) is amended by adding at the end the following:

18 “(i) IMMUNITY.—

19 “(1) IN GENERAL.—A State or a political sub-
20 division of a State (and the officials and personnel
21 of the State or subdivision acting in their official ca-
22 pacities), and a nongovernmental entity (and its per-
23 sonnel) contracted by the State or political subdivi-
24 sion for the purpose of providing detention, acting in
25 compliance with a Department of Homeland Secu-

1 rity detainer issued pursuant to subsection (d), that
2 temporarily holds an alien in its custody pursuant to
3 the terms of such detainer so that the alien may be
4 taken into the custody of the Department of Home-
5 land Security, shall be considered to be acting under
6 color of Federal authority for purposes of deter-
7 mining the liability, and immunity from suit, of the
8 State or political subdivision of a State in a civil ac-
9 tion brought under Federal or State law and shall
10 not be liable for their compliance with the detainer
11 in any suit seeking any punitive, compensatory, or
12 other monetary damages.

13 “(2) FEDERAL GOVERNMENT AS DEFEND-
14 ANT.—In any civil action described in paragraph
15 (1), the United States shall be the proper party
16 named as the defendant in the action.

17 “(3) BAD FAITH EXCEPTION.—Paragraphs (1)
18 and (2) shall not apply to any mistreatment of an
19 individual by a State or a political subdivision of a
20 State (and the officials and personnel of the State
21 or subdivision acting in their official capacities), or
22 a nongovernmental entity (and its personnel) con-
23 tracted by the State or political subdivision for the
24 purpose of providing detention.

25 “(j) PRIVATE RIGHT OF ACTION.—

1 “(1) CAUSE OF ACTION.—Any individual, or a
2 spouse, parent, or child of that individual (if the in-
3 dividual is deceased), who is the victim of a murder,
4 rape, or any felony, under State or Federal law, for
5 which an alien has been convicted and sentenced to
6 a term of imprisonment of at least 1 year, may
7 bring an action against a State or political subdivi-
8 sion of a State in the appropriate Federal or State
9 court if the State or political subdivision released the
10 alien from custody prior to the commission of such
11 crime as a consequence of the State or political sub-
12 division’s declining to honor a detainer issued pursu-
13 ant to subsection (d).

14 “(2) LIMITATION ON BRINGING ACTION.—An
15 action brought under this subsection may not be
16 brought later than 10 years following the date on
17 which the crime was committed, or the date on
18 which the victim died as a result of such crime,
19 whichever occurs later.

20 “(3) ATTORNEYS’ FEE AND OTHER COSTS.—In
21 any action under this subsection the court shall
22 award a prevailing plaintiff a reasonable attorneys’
23 fee as part of the costs, and include expert fees as
24 part of the attorneys’ fee.”.

○