



AMENDMENT NO. 5 Calendar No. _____

Purpose: To prohibit ICE enforcement in and around schools and to hold immigration agents accountable when they break the law.

IN THE SENATE OF THE UNITED STATES—119th Cong., 2d Sess.

S. 3747

To amend the Higher Education Act of 1965 to recognize students who have completed secondary school education in a home school setting as high school graduates, and for other purposes.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. SANDERS

Viz:

- 1 At the end of the bill, add the following:
- 2 **SEC. 3. GEOGRAPHIC LIMITATIONS ON IMMIGRATION EN-**
- 3 **FORCEMENT ACTIONS.**

4 Section 287 of the Immigration and Nationality Act
5 (8 U.S.C. 1357) is amended by adding at the end the fol-
6 lowing:

7 “(i)(1) In this subsection:

8 “(A) The term ‘early childhood education pro-
9 gram’ has the meaning given such term in section

1 103(8) of the Higher Education Act of 1965 (20
2 U.S.C. 1003(8)).

3 “(B) The term ‘enforcement action’—

4 “(i) means an apprehension, arrest, inter-
5 view, request for identification, search, or sur-
6 veillance for the purposes of immigration en-
7 forcement; and

8 “(ii) includes an enforcement action at, or
9 focused on, a sensitive location that is part of
10 a joint case led by another law enforcement
11 agency.

12 “(C) The term ‘exigent circumstances’ means a
13 situation involving—

14 “(i) the imminent risk of death, violence,
15 or physical harm to any person, including a sit-
16 uation implicating terrorism or the national se-
17 curity of the United States in some other man-
18 ner;

19 “(ii) the immediate arrest or hot pursuit of
20 an individual presenting an imminent danger to
21 public safety, including the imminent risk of
22 death, violence, or physical harm to a person;

23 “(iii) a rare, premeditated arrest operation
24 described in paragraph (3)(D), undertaken with
25 the prior written approval of an appropriate au-

1 thorizing official, involving the targeted arrest
2 of a terrorist suspect, an individual who poses
3 a clear threat to national security, or an indi-
4 vidual who poses an extraordinary danger to
5 public safety;

6 “(iv) a direct threat to national security; or

7 “(v) the imminent risk of destruction of
8 evidence that is material to an ongoing criminal
9 case.

10 “(2) Except as provided in paragraph (3), an enforce-
11 ment action may not take place, be focused at a location,
12 or occur within 1,000 feet of—

13 “(A) any public or private school (including
14 preschools, primary schools, secondary schools, and
15 postsecondary schools (including colleges and univer-
16 sities)), any site of an early childhood education pro-
17 gram, any other institution of learning, such as vo-
18 cational or trade schools, and any other site where
19 individuals who are unemployed or underemployed
20 may apply for or receive workforce training;

21 “(B) any scholastic or education-related activity
22 or event, including field trips and interscholastic
23 events;

1 “(C) any school bus or school bus stop during
2 periods when school children are present on such bus
3 or at such stop;

4 “(D) any recreational facility for children, such
5 as playgrounds and formal recreational facilities; or

6 “(E) any child care focused facility, including
7 child care centers, before or after school care cen-
8 ters, foster care facilities, and group homes for chil-
9 dren.

10 “(3) The restrictions set forth in paragraph (2) shall
11 not apply under exigent circumstances. If an immigration
12 enforcement action is taking place under exigent cir-
13 cumstances, and the exigent circumstances permitting the
14 enforcement action cease, the enforcement action shall be
15 discontinued until such exigent circumstances reemerge.

16 “(4)(A) If the restriction set forth in paragraph (2)
17 is violated by immigration officers, any person who was
18 adversely affected by such violation, or the parent, legal
19 guardian, or legal representative of such person, may
20 bring a civil action against such immigration officers in
21 an appropriate Federal court.

22 “(B) Notwithstanding any other provision of law, an
23 immigration officer may not assert any form of absolute
24 or qualified immunity as a defense to liability in a civil

- 1 action brought pursuant to subparagraph (A) even if such
- 2 officer's actions took place under exigent circumstances.”.