

## **AMENDMENT TO RULES COMMITTEE PRINT 119–3**

### **OFFERED BY MR. ESPAILLAT**

At the end of title VII, add the following new section:

#### **SEC. 70105. LIMITATION ON AVAILABILITY OF FUNDS.**

- 1) None of the funds made available by this Section may be used to conduct enforcement actions at sensitive locations by –
  - (a) Officers or agents of the Department of Homeland Security, including officers and agents of U.S. Immigration and Customs Enforcement and U.S. Customs and Border Protection; and
  - (b) any individual designated to perform immigration enforcement functions pursuant to this subsection
- 2) (A) An enforcement action may not take place at, be focused on, or occur within, 1,000 feet of a sensitive location  
(B) If an immigration enforcement action is taking place under exigent circumstances, and the exigent circumstances permitting the enforcement action cease, the enforcement action shall be discontinued until such exigent circumstances reemerge  
(C) If an individual referred to in subparagraph (A) or (B) of paragraph (1) is not certain as to whether exigent circumstances exist, the individual shall cease the enforcement action immediately, consult with their supervisor in real time as to the existence of exigent circumstances, and shall not continue the enforcement action until the individual's supervisor affirmatively confirms the existence of exigent circumstances.
  - a. If, in the course of an enforcement action that is not initiated at or focused on a sensitive location, individuals referred to in subparagraphs (A) and (B) of paragraph (1) are led to or near a sensitive location, and no clear exigent circumstance with respect to the sensitive location exists, such individuals shall---
    - i. cease before taking any further enforcement action
    - ii. conduct themselves in a discreet manner;
    - iii. maintain surveillance; and
    - iv. in the event that uncertainty exists about the existence of exigent circumstances, immediately consult their supervisor in

order to determine whether such enforcement action should be discontinued pursuant to paragraph (2)(C)

- 3) The term ‘sensitive location’ includes all of the physical space located within 1,000 feet of the following:
- (a) Any medical treatment or health care facility, including any hospital, doctor’s office, accredited health clinic, or emergent or urgent care facility, or community health center.
  - (b) Public and private schools (including preschools, primary schools, secondary schools, and postsecondary schools (including colleges and universities), sites of early childhood education programs, other institutions of learning, such as vocational or trade schools, and other sites where individuals who are unemployed or underemployed may apply for or receive workforce training.
  - (c) Any scholastic or education-related activity or event, including field trips and interscholastic events.
  - (d) Any school bus or school bus stop during periods when school children are present on the bus or at the stop.
  - (e) Locations where emergency services providers provide shelter or food.
  - (f) Locations of any organization that—
    - i. assists children, pregnant women, victims of crime or abuse, or individuals with significant mental or physical disabilities, including domestic violence shelters, rape crisis centers, supervised visitation centers, family justice centers, and victims services providers; or
    - ii. provides disaster or emergency social services and assistance, or services for individuals experiencing homelessness, including food banks and shelters.
  - (g) Churches, synagogues, mosques, and other places of worship, such as buildings rented for the purpose of religious services.
  - (h) Sites of funerals, weddings, or other public religious ceremonies.
  - (i) Sites during the occurrence of a public demonstration, such as a march, rally, or parade.
  - (j) Any Federal, State, or local courthouse, including the office of an individual’s legal counsel or representative, and a probation office.
  - (k) Congressional district offices.
  - (l) Social Security offices.
  - (m) Public assistance offices, including locations where individuals may apply for or receive unemployment compensation or report violations of labor and employment laws.

- (n) Indoor and outdoor premises of departments of motor vehicles.
- (o) A polling place, which includes any building or infrastructure where voting takes place during an election.
- (p) A labor union hall or any other union-operated building or office where registered applicants are referred in rotation to jobs.
- (q) Such other locations as the Secretary of Homeland Security shall specify for purposes of this subsection.

(4) The term ‘exigent circumstances’ means a situation involving any of the following:

“(i) The imminent risk of death, violence, or physical harm to any person, including a situation implicating terrorism or the national security of the United States in some other manner.

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

“(iii) A rare, premeditated arrest operation described in paragraph (3)(D), undertaken with the prior written approval of an appropriate authorizing official, involving the targeted arrest of a terrorist suspect, an individual who poses a clear threat to national security, or an individual who poses an extraordinary danger to public safety.

“(iv) A direct threat to national security.

“(v) The imminent risk of destruction of evidence that is material to an ongoing criminal case.