

## AMENDMENT TO S. 2

OFFERED BY MS. LEGER FERNANDEZ OF NEW MEXICO

At the end of the bill, add the following:

### “SEC. \_\_\_\_. PRIVATE RIGHT OF ACTION.

(a) IN GENERAL.—A citizen of the United States who is arrested or detained by an immigration officer without a warrant or without probable cause on or after January 20, 2025, may bring an action in an appropriate district court of the United States against such officer and against the United States for relief described in subsection (b).

(b) RELIEF.—In an action under subsection (a) in which the court finds in favor of the plaintiff, the court shall award the plaintiff—

(1) damages in the amount of—

(A) \$500,000; plus

(B) \$100,000 for each day the individual was detained after the day on which the individual was arrested or detained;

(2) reasonable attorney’s fees and costs; and

(3) such injunctive or declaratory relief as may be appropriate.

(c) LIMITATIONS AND IMMUNITY.—

(1) PERIOD OF LIMITATIONS.—A civil action under this section may not be commenced later than 5 years after the cause of action accrues.

(2) NO IMMUNITY DEFENSE.—No immigration officer shall be entitled to assert any form of absolute or qualified immunity as a defense to liability under this Act.

(3) WAIVER OF SOVEREIGN IMMUNITY.—The United States expressly waives sovereign immunity with respect to actions under this section.

(d) NO LIMITATION ON OTHER CLAIMS.—Any award under subsection (b) shall be in addition to any other amount the plaintiff has the right to receive under any other provision of law.

(e) DEFINITIONS.—In this section, the term “immigration officer” has the meaning given such term in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101).

### SEC. \_\_\_\_. RESCISSION OF CERTAIN IMMIGRATION ENFORCEMENT FUNDS.

There is permanently rescinded \$500,000,000, to be derived from the unobligated balances of amounts made available by section 100052 of the Act titled "An Act to provide for reconciliation pursuant to title II of H. Con. 13 Res. 14" (Public Law 119-21)."