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(Original Signature of Member)

116TH CONGRESS
1ST SESSION

H. R.

To amend section 287 of the Immigration and Nationality Act to limit immigration enforcement actions at sensitive locations, to clarify the powers of immigration officers at sensitive locations, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. ESPAILLAT introduced the following bill; which was referred to the Committee on _____

A BILL

To amend section 287 of the Immigration and Nationality Act to limit immigration enforcement actions at sensitive locations, to clarify the powers of immigration officers at sensitive locations, 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 “Protecting Sensitive
5 Locations Act”.

1 **SEC. 2. POWERS OF IMMIGRATION OFFICERS AND EMPLOY-**
2 **EES AT SENSITIVE LOCATIONS.**

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

6 “(i)(1) In order to ensure individuals’ access to sen-
7 sitive locations, this subsection shall apply to any enforce-
8 ment action by—

9 “(A) officers or agents of the Department of
10 Homeland Security, including officers and agents of
11 U.S. Immigration and Customs Enforcement and
12 U.S. Customs and Border Protection; and

13 “(B) any individual designated to perform im-
14 migration enforcement functions pursuant to sub-
15 section (g).

16 “(2)(A) An enforcement action may not take place
17 at, be focused on, or occur within, 1,000 feet of, a sensitive
18 location, except—

19 “(i) under exigent circumstances; and

20 “(ii) if prior approval is obtained.

21 “(B) If an enforcement action is taking place under
22 exigent circumstances, and the exigent circumstances per-
23 mitting the enforcement action cease, the enforcement ac-
24 tion shall be discontinued until such exigent circumstances
25 reemerge.

1 “(3)(A) When proceeding with an enforcement action
2 at or near a sensitive location, individuals referred to in
3 subparagraphs (A) and (B) of paragraph (1) shall make
4 every effort—

5 “(i) to conduct themselves as discreetly as pos-
6 sible, consistent with officer and public safety;

7 “(ii) to limit the time spent at the sensitive lo-
8 cation; and

9 “(iii) to limit the enforcement action to the per-
10 son or persons for whom prior approval was ob-
11 tained.

12 “(B) If, in the course of an enforcement action that
13 is not initiated at or focused on a sensitive location, indi-
14 viduals referred to in subparagraphs (A) and (B) of para-
15 graph (1) are led to or near a sensitive location, and no
16 exigent circumstance and prior approval with respect to
17 the sensitive location exists, such individuals shall—

18 “(i) cease before taking any further enforce-
19 ment action;

20 “(ii) conduct themselves in a discreet manner;

21 “(iii) maintain surveillance; and

22 “(iv) immediately consult their supervisor in
23 order to determine whether such enforcement action
24 should be discontinued.

1 “(C) This section shall not apply to the transpor-
2 tation of an individual apprehended at or near a land or
3 sea border to a hospital or healthcare provider for the pur-
4 pose of providing such individual medical care.

5 “(4) If an enforcement action is carried out in viola-
6 tion of this subsection—

7 “(A) no information resulting from the enforce-
8 ment action may be entered into the record or re-
9 ceived into evidence in a removal proceeding result-
10 ing from the enforcement action; and

11 “(B) the alien who is the subject of such re-
12 moval proceeding may file a motion for the imme-
13 diate termination of the removal proceeding.

14 “(5)(A) Each official specified in subparagraph (B)
15 shall ensure that the employees under the supervision of
16 such official receive annual training in compliance with the
17 requirements of this subsection and section 239 of this
18 Act and section 384 of the Illegal Immigration Reform
19 and Immigrant Responsibility Act of 1996 (8 U.S.C.
20 1367).

21 “(B) The officials specified in this subparagraph are
22 the following:

23 “(i) The Chief Counsel of U.S. Immigration
24 and Customs Enforcement.

1 “(ii) The Field Office Directors of U.S. Immi-
2 gration and Customs Enforcement.

3 “(iii) Each Special Agent in Charge of U.S. Im-
4 migration and Customs Enforcement.

5 “(iv) Each Chief Patrol Agent of U.S. Customs
6 and Border Protection.

7 “(v) The Director of Field Operations of U.S.
8 Customs and Border Protection.

9 “(vi) The Director of Air and Marine Oper-
10 ations of U.S. Customs and Border Protection.

11 “(vii) The Internal Affairs Special Agent in
12 Charge of U.S. Customs and Border Protection.

13 “(6)(A) The Director of U.S. Immigration and Cus-
14 toms Enforcement and the Commissioner of U.S. Customs
15 and Border Protection shall each submit to the appro-
16 priate committees of Congress each year a report on the
17 enforcement actions undertaken by U.S. Immigration and
18 Customs Enforcement and U.S. Customs and Border Pro-
19 tection, respectively, during the preceding year that were
20 covered by this subsection.

21 “(B) Each report on an agency for a year under this
22 paragraph shall set forth the following:

23 “(i) The number of enforcement actions at or
24 focused on a sensitive location.

1 “(ii) The number of enforcement actions where
2 officers or agents were subsequently led to or near
3 a sensitive location.

4 “(iii) The date, site, State, and local political
5 subdivision (such as city, town, or county) in which
6 each enforcement action covered by clause (i) or (ii)
7 occurred.

8 “(iv) The component of the agency responsible
9 for each such enforcement action.

10 “(v) A description of the intended target of
11 each such enforcement action.

12 “(vi) The number of individuals, if any, ar-
13 rested or taken into custody through each such en-
14 forcement action.

15 “(vii) The number of collateral arrests, if any,
16 from each such enforcement action and the reasons
17 for each such arrest.

18 “(viii) A certification of whether the location
19 administrator was contacted prior to, during, or
20 after each such enforcement action.

21 “(7) In this subsection:

22 “(A) The term ‘appropriate committees of Con-
23 gress’ means—

24 “(i) the Committee on Homeland Security
25 and Governmental Affairs of the Senate;

1 “(ii) the Committee on the Judiciary of the
2 Senate;

3 “(iii) the Committee on Homeland Security
4 of the House of Representatives;

5 “(iv) the Committee on the Judiciary of
6 the House of Representatives;

7 “(v) the Committee on Appropriations of
8 the House of Representatives; and

9 “(vi) the Committee on Appropriations of
10 the Senate.

11 “(B) The term ‘early childhood education pro-
12 gram’ has the meaning given the term under section
13 103 of the Higher Education Act of 1965 (20
14 U.S.C. 1003).

15 “(C) The term ‘enforcement action’ means an
16 arrest, interview, search, or surveillance for the pur-
17 poses of immigration enforcement, and includes an
18 enforcement action at, or focused on, a sensitive lo-
19 cation that is part of a joint case led by another law
20 enforcement agency.

21 “(D) The term ‘exigent circumstances’ means a
22 situation involving the following:

23 “(i) The imminent risk of death, violence,
24 or physical harm to any person, including a sit-
25 uation implicating terrorism or the national se-

1 curity of the United States in some other man-
2 ner.

3 “(ii) The immediate arrest or pursuit of a
4 dangerous felon, terrorist suspect, or other indi-
5 vidual presenting an imminent danger or public
6 safety risk.

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

10 “(E) The term ‘prior approval’ means the fol-
11 lowing:

12 “(i) In the case of officers and agents of
13 U.S. Immigration and Customs Enforcement,
14 prior written approval for a specific, targeted
15 operation from one of the following officials:

16 “(I) The Assistant Director of Oper-
17 ations, Homeland Security Investigations.

18 “(II) The Executive Associate Direc-
19 tor of Homeland Security Investigations.

20 “(III) The Assistant Director for
21 Field Operations, Enforcement, and Re-
22 moval Operations.

23 “(IV) The Executive Associate Direc-
24 tor for Field Operations, Enforcement, and
25 Removal Operations.

1 “(ii) In the case of officers and agents of
2 U.S. Customs and Border Protection, prior
3 written approval for a specific, targeted oper-
4 ation from one of the following officials:

5 “(I) A Chief Patrol Agent.

6 “(II) The Director of Field Oper-
7 ations.

8 “(III) The Director of Air and Marine
9 Operations

10 “(IV) The Internal Affairs Special
11 Agent in Charge.

12 “(F) The term ‘sensitive location’ includes all of
13 the physical space located within 1,000 feet of the
14 following:

15 “(i) Any medical treatment or health care
16 facility, including any hospital, doctor’s office,
17 accredited health clinic, or emergent or urgent
18 care facility, or community health center.

19 “(ii) Public and private schools (including
20 pre-schools, primary schools, secondary schools,
21 and postsecondary schools (including colleges
22 and universities)), sites of early childhood edu-
23 cation programs, other institutions of learning,
24 such as vocational or trade schools, and other
25 sites where individuals who are unemployed or

1 underemployed may apply for or receive work-
2 force training.

3 “(iii) Any scholastic or education-related
4 activity or event, including field trips and inter-
5 scholastic events.

6 “(iv) Any school bus or school bus stop
7 during periods when school children are present
8 on the bus or at the stop.

9 “(v) Locations where emergency services
10 providers provide shelter or food.

11 “(vi) Locations of any organization that—

12 “(I) assists children, pregnant women,
13 victims of crime or abuse, or individuals
14 with significant mental or physical disabili-
15 ties, including domestic violence shelters,
16 rape crisis centers, supervised visitation
17 centers, family justice centers, and victims
18 services providers; or

19 “(II) provides disaster or emergency
20 social services and assistance, or services
21 for individuals experiencing homelessness,
22 including, food banks and shelters.

23 “(vii) Churches, synagogues, mosques, and
24 other places of worship, such as buildings
25 rented for the purpose of religious services.

1 “(viii) Sites of funerals, weddings, or other
2 public religious ceremonies.

3 “(ix) Sites during the occurrence of a pub-
4 lic demonstration, such as a march, rally, or pa-
5 rade.

6 “(x) Any Federal, State, or local court-
7 house, including the office of an individual’s
8 legal counsel or representative, and a probation
9 office.

10 “(xi) Congressional district offices.

11 “(xii) Public assistance offices, including
12 locations where individuals may apply for or re-
13 ceive unemployment compensation or report vio-
14 lations of labor and employment laws.

15 “(xiii) Social Security offices.

16 “(xiv) Indoor and outdoor premises of de-
17 partments of motor vehicles.

18 “(xv) Such other locations as the Secretary
19 of Homeland Security shall specify for purposes
20 of this subsection.”.