

115TH CONGRESS
1ST SESSION

H. R. 1815

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

MARCH 30, 2017

Mr. ESPAILLAT (for himself, Ms. BONAMICI, Mr. SERRANO, Mr. BEYER, Ms. MOORE, Mr. CORREA, Mr. EVANS, Mr. ELLISON, Mr. AL GREEN of Texas, Ms. NORTON, Mr. CÁRDENAS, Mr. GALLEGO, Mrs. NAPOLITANO, Ms. VELÁZQUEZ, Ms. WASSERMAN SCHULTZ, Mr. BLUMENAUER, Mr. MCGOVERN, Ms. BARRAGÁN, Mr. WELCH, Mr. PERLMUTTER, Ms. JACKSON LEE, Mr. VARGAS, Ms. SCHAKOWSKY, Mr. TED LIEU of California, and Mr. POLIS) introduced the following bill; which was referred to the Committee on the Judiciary

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 migration 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 ‘enforcement action’ means an
12 arrest, interview, search, or surveillance for the pur-
13 poses of immigration enforcement, and includes an
14 enforcement action at, or focused on, a sensitive lo-
15 cation that is part of a joint case led by another law
16 enforcement agency.

17 “(C) The term ‘exigent circumstances’ means a
18 situation involving the following:

19 “(i) The imminent risk of death, violence,
20 or physical harm to any person, including a sit-
21 uation implicating terrorism or the national se-
22 curity of the United States in some other man-
23 ner.

24 “(ii) The immediate arrest or pursuit of a
25 dangerous felon, terrorist suspect, or other indi-

1 vidual presenting an imminent danger or public
2 safety risk.

3 “(iii) The imminent risk of destruction of
4 evidence that is material to an ongoing criminal
5 case.

6 “(D) The term ‘prior approval’ means the fol-
7 lowing:

8 “(i) In the case of officers and agents of
9 U.S. Immigration and Customs Enforcement,
10 prior written approval for a specific, targeted
11 operation from one of the following officials:

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

14 “(II) The Executive Associate Direc-
15 tor of Homeland Security Investigations.

16 “(III) The Assistant Director for
17 Field Operations, Enforcement, and Re-
18 moval Operations.

19 “(IV) The Executive Associate Direc-
20 tor for Field Operations, Enforcement, and
21 Removal Operations.

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

1 “(I) A Chief Patrol Agent.

2 “(II) The Director of Field Oper-
3 ations.

4 “(III) The Director of Air and Marine
5 Operations

6 “(IV) The Internal Affairs Special
7 Agent in Charge.

8 “(E) The term ‘sensitive location’ includes all of
9 the physical space located within 1,000 feet of the
10 following:

11 “(i) Any medical treatment or health care
12 facility, including any hospital, doctor’s office,
13 accredited health clinic, or emergent or urgent
14 care facility, or community health center.

15 “(ii) Public and private schools (including
16 pre-schools, primary schools, secondary schools,
17 postsecondary schools (including colleges and
18 universities), and other institutions of learning
19 such as vocational or trade schools).

20 “(iii) Any scholastic or education-related
21 activity or event, including field trips and inter-
22 scholastic events.

23 “(iv) Any school bus or school bus stop
24 during periods when school children are present
25 on the bus or at the stop.

1 “(v) Locations where emergency services
2 providers provide shelter or food.

3 “(vi) Locations of any organization that—

4 “(I) assists children, pregnant women,
5 victims of crime or abuse, or individuals
6 with significant mental or physical disabili-
7 ties, including domestic violence shelters,
8 rape crisis centers, supervised visitation
9 centers, family justice centers, and victims
10 services providers; or

11 “(II) provides disaster or emergency
12 social services and assistance, including,
13 but not limited to, food banks and home-
14 less shelters.

15 “(vii) Churches, synagogues, mosques, and
16 other places of worship, such as buildings
17 rented for the purpose of religious services.

18 “(viii) Sites of funerals, weddings, or other
19 public religious ceremonies.

20 “(ix) Sites during the occurrence of a pub-
21 lic demonstration, such as a march, rally, or pa-
22 rade.

23 “(x) Any Federal, State, or local court-
24 house, including the office of an individual’s

1 legal counsel or representative, and a probation
2 office.

3 “(xi) Congressional district offices.

4 “(xii) Public assistance offices.

5 “(xiii) Social Security offices.

6 “(xiv) Indoor and outdoor premises of de-
7 partments of motor vehicles.

8 “(xv) Such other locations as the Secretary
9 of Homeland Security shall specify for purposes
10 of this subsection.”.

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