

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.

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## 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. GALLEG0, 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

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## 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 ‘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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