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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 such locations, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 11, 2019

Mr. BLUMENTHAL (for himself, Ms. HIRONO, Ms. HARRIS, Mr. MARKEY, Mr. WYDEN, Ms. DUCKWORTH, Mr. SCHATZ, Ms. KLOBUCHAR, Mrs. MURRAY, Ms. WARREN, Mr. KAINE, Mr. MURPHY, Mr. MERKLEY, Mrs. GILLIBRAND, Ms. CORTEZ MASTO, and Mr. BENNET) introduced the following bill; which was read twice and 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 such 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 this subsection:

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

9 “(i) the Committee on Appropriations of
10 the Senate;

11 “(ii) the Committee on Homeland Security
12 and Governmental Affairs of the Senate;

13 “(iii) the Committee on the Judiciary of
14 the Senate;

15 “(iv) the Committee on Appropriations of
16 the House of Representatives;

17 “(v) the Committee on Homeland Security
18 of the House of Representatives; and

19 “(vi) the Committee on the Judiciary of
20 the House of Representatives.

21 “(B) The term ‘early childhood education pro-
22 gram’ has the meaning given the term under section
23 103 of the Higher Education Act of 1965 (20
24 U.S.C. 1003).

25 “(C) The term ‘enforcement action’—

1 “(i) means an apprehension, arrest, inter-
2 view, request for identification, search, or sur-
3 veillance for the purposes of immigration en-
4 forcement; and

5 “(ii) includes an enforcement action at, or
6 focused on, a sensitive location that is part of
7 a joint case led by another law enforcement
8 agency.

9 “(D) The term ‘exigent circumstances’ means a
10 situation involving—

11 “(i) the imminent risk of death, violence,
12 or physical harm to any person or property, in-
13 cluding a situation implicating terrorism or the
14 national security of the United States;

15 “(ii) the immediate arrest or pursuit of a
16 dangerous felon, terrorist suspect, or other indi-
17 vidual presenting an imminent danger; or

18 “(iii) the imminent risk of destruction of
19 evidence that is material to an ongoing criminal
20 case.

21 “(E) The term ‘prior approval’ means—

22 “(i) in the case of officers and agents of
23 U.S. Immigration and Customs Enforcement,
24 prior written approval to carry out an enforce-

1 ment action involving a specific individual or in-
2 dividuals authorized by—

3 “(I) the Assistant Director of Oper-
4 ations, Homeland Security Investigations;

5 “(II) the Executive Associate Director
6 of Homeland Security Investigations;

7 “(III) the Assistant Director for Field
8 Operations, Enforcement and Removal Op-
9 erations; or

10 “(IV) the Executive Associate Direc-
11 tor for Field Operations, Enforcement and
12 Removal Operations;

13 “(ii) in the case of officers and agents of
14 U.S. Customs and Border Protection, prior
15 written approval to carry out an enforcement
16 action involving a specific individual or individ-
17 uals authorized by—

18 “(I) a Chief Patrol Agent;

19 “(II) the Director of Field Operations;

20 “(III) the Director of Air and Marine
21 Operations; or

22 “(IV) the Internal Affairs Special
23 Agent in Charge; and

24 “(iii) in the case of other Federal, State,
25 or local law enforcement officers, to carry out

1 an enforcement action involving a specific indi-
2 vidual or individuals authorized by—

3 “(I) the head of the Federal agency
4 carrying out the enforcement action; or

5 “(II) the head of the State or local
6 law enforcement agency carrying out the
7 enforcement action.

8 “(F) The term ‘sensitive location’ includes all of
9 the physical space located within 1,000 feet of—

10 “(i) any medical treatment or health care
11 facility, including any hospital, health care
12 practitioner’s office, accredited health clinic, al-
13 cohol or drug treatment center, emergent or ur-
14 gent care facility, or community health center;

15 “(ii) public and private schools (including
16 preschools, primary schools, secondary schools,
17 and postsecondary schools (including colleges
18 and universities), sites of early childhood edu-
19 cation program facility, sites of after school
20 programs, other institutions of learning (includ-
21 ing vocational or trade schools), or other site at
22 which individuals who are unemployed or under-
23 employed may apply for or receive workforce
24 training;

1 “(iii) any scholastic or education-related
2 activity or event, including field trips and inter-
3 scholastic events;

4 “(iv) any school bus or school bus stop
5 during periods when school children are present
6 on the bus or at the stop;

7 “(v) a location at which emergency service
8 providers distribute food or provide shelter;

9 “(vi) any organization that—

10 “(I) assists children, pregnant women,
11 victims of crime or abuse, or individuals
12 with significant mental or physical disabili-
13 ties; or

14 “(II) provides—

15 “(aa) disaster or emergency so-
16 cial services and assistance; or

17 “(bb) services for individuals ex-
18 perienceing homelessness, including
19 food banks and shelters;

20 “(vii) any church, synagogue, mosque, or
21 other place of worship, including buildings
22 rented for the purpose of religious services, re-
23 treats, counseling, workshops, instruction, and
24 education;

1 “(viii) any Federal, State, or local court-
2 house, including the office of an individual’s
3 legal counsel or representative, and a probation,
4 parole, or supervised release office;

5 “(ix) the site of a funeral, wedding, or
6 other religious ceremony or observance;

7 “(x) any public demonstration, such as a
8 march, rally, or parade;

9 “(xi) any domestic violence shelter, rape
10 crisis center, supervised visitation center, family
11 justice center, or victim services provider;

12 “(xii) any congressional district office;

13 “(xiii) any public assistance office, includ-
14 ing Federal, State, and municipal locations at
15 which individuals may apply for or receive un-
16 employment compensation or report violations
17 of labor and employment laws;

18 “(xiv) any office of the Social Security Ad-
19 ministration;

20 “(xv) any indoor or outdoor premises of a
21 State Department of Motor Vehicles;

22 “(xvi) any public library; or

23 “(xvii) any other location specified by the
24 Secretary of Homeland Security for purposes of
25 this subsection.

1 “(2)(A) An enforcement action may not take place
2 at, or be focused on, a sensitive location unless—

3 “(i) the action involves exigent circumstances;
4 or

5 “(ii) prior approval for the enforcement action
6 was obtained from the appropriate official.

7 “(B) If an enforcement action is initiated pursuant
8 to subparagraph (A) and the exigent circumstances per-
9 mitting the enforcement action cease, the enforcement ac-
10 tion shall be discontinued until such exigent circumstances
11 reemerge.

12 “(C) If an enforcement action is carried out in viola-
13 tion of this subsection—

14 “(i) no information resulting from the enforce-
15 ment action may be entered into the record or re-
16 ceived into evidence in a removal proceeding result-
17 ing from the enforcement action; and

18 “(ii) the alien who is the subject of such re-
19 moval proceeding may file a motion for the imme-
20 diate termination of the removal proceeding.

21 “(3)(A) This subsection shall apply to any enforce-
22 ment action by officers or agents of the Department of
23 Homeland Security, including—

24 “(i) officers or agents of U.S. Immigration and
25 Customs Enforcement;

1 “(ii) officers or agents of U.S. Customs and
2 Border Protection; and

3 “(iii) any individual designated to perform im-
4 migration enforcement functions pursuant to sub-
5 section (g).

6 “(B) While carrying out an enforcement action at a
7 sensitive location, officers and agents referred to in sub-
8 paragraph (A) shall make every effort—

9 “(i) to limit the time spent at the sensitive loca-
10 tion;

11 “(ii) to limit the enforcement action at the sen-
12 sitive location to the person or persons for whom
13 prior approval was obtained; and

14 “(iii) to conduct themselves as discreetly as pos-
15 sible, consistent with officer and public safety.

16 “(C) If, while carrying out an enforcement action
17 that is not initiated at or focused on a sensitive location,
18 officers or agents are led to a sensitive location, and no
19 exigent circumstance and prior approval with respect to
20 the sensitive location exists, such officers or agents shall—

21 “(i) cease before taking any further enforce-
22 ment action;

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

24 “(iii) maintain surveillance; and

1 “(iv) immediately consult their supervisor in
2 order to determine whether such enforcement action
3 should be discontinued.

4 “(D) The limitations under this paragraph shall not
5 apply to the transportation of an individual apprehended
6 at or near a land or sea border to a hospital or health
7 care provider for the purpose of providing medical care
8 to such individual.

9 “(4)(A) Each official specified in subparagraph (B)
10 shall ensure that the employees under his or her super-
11 vision receive annual training on compliance with—

12 “(i) the requirements under this subsection in
13 enforcement actions at or focused on sensitive loca-
14 tions and enforcement actions that lead officers or
15 agents to a sensitive location; and

16 “(ii) the requirements under section 239 of this
17 Act and section 384 of the Illegal Immigration Re-
18 form and Immigrant Responsibility Act of 1996 (8
19 U.S.C. 1367).

20 “(B) The officials specified in this subparagraph
21 are—

22 “(i) the Chief Counsel of U.S. Immigration and
23 Customs Enforcement;

24 “(ii) the Field Office Directors of U.S. Immi-
25 gration and Customs Enforcement;

1 “(iii) each Special Agent in Charge of U.S. Im-
2 migration and Customs Enforcement;

3 “(iv) each Chief Patrol Agent of U.S. Customs
4 and Border Protection;

5 “(v) the Director of Field Operations of U.S.
6 Customs and Border Protection;

7 “(vi) the Director of Air and Marine Operations
8 of U.S. Customs and Border Protection;

9 “(vii) the Internal Affairs Special Agent in
10 Charge of U.S. Customs and Border Protection; and

11 “(viii) the chief law enforcement officer of each
12 State or local law enforcement agency that enters
13 into a written agreement with the Department of
14 Homeland Security pursuant to subsection (g).

15 “(5) The Secretary of Homeland Security shall mod-
16 ify the Notice to Appear form (I-862)—

17 “(A) to provide the subjects of an enforcement
18 action with information, written in plain language,
19 summarizing the restrictions against enforcement
20 actions at sensitive locations set forth in this sub-
21 section and the remedies available to the alien if
22 such action violates such restrictions;

23 “(B) so that the information described in sub-
24 paragraph (A) is accessible to individuals with lim-
25 ited English proficiency; and

1 “(C) so that subjects of an enforcement action
2 are not permitted to verify that the officers or
3 agents that carried out such action complied with
4 the restrictions set forth in this subsection.

5 “(6)(A) The Director of U.S. Immigration and Cus-
6 toms Enforcement and the Commissioner of U.S. Customs
7 and Border Protection shall each submit an annual report
8 to the appropriate committees of Congress that includes
9 the information set forth in subparagraph (B) with respect
10 to the respective agency.

11 “(B) Each report submitted under subparagraph (A)
12 shall include, with respect to the submitting agency during
13 the reporting period—

14 “(i) the number of enforcement actions that
15 were carried out at, or focused on, a sensitive loca-
16 tion;

17 “(ii) the number of enforcement actions in
18 which officers or agents were subsequently led to a
19 sensitive location; and

20 “(iii) for each enforcement action described in
21 clause (i) or (ii)—

22 “(I) the date on which it occurred;

23 “(II) the specific site, city, county, and
24 State in which it occurred;

1 “(III) the components of the agency and
2 the names of the agents involved in the enforce-
3 ment action;

4 “(IV) whether the enforcement action took
5 place with prior approval or if the enforcement
6 action was the result of exigent circumstances,
7 and—

8 “(aa) if prior approval was granted,
9 documentation confirming conditions of ap-
10 proval; or

11 “(bb) if under exigent circumstances,
12 a description of those circumstances;

13 “(V) a description of the enforcement ac-
14 tion, including the nature of the criminal activ-
15 ity of its intended target;

16 “(VI) the number of individuals, if any, ar-
17 rested or taken into custody;

18 “(VII) the number of collateral arrests, if
19 any, and the reasons for each such arrest;

20 “(VIII) a certification whether the location
21 administrator was contacted before, during, or
22 after the enforcement action; and

23 “(IX) the percentage of all of the staff
24 members and supervisors reporting to the offi-

1 cials listed in paragraph (4)(B) who completed
2 the training required under paragraph (4)(A).

3 “(7) Nothing in the subsection may be construed—

4 “(A) to affect the authority of Federal, State,
5 or local law enforcement agencies—

6 “(i) to enforce generally applicable Federal
7 or State criminal laws unrelated to immigra-
8 tion; or

9 “(ii) to protect residents from imminent
10 threats to public safety; or

11 “(B) to limit or override the protections pro-
12 vided in—

13 “(i) section 239; or

14 “(ii) section 384 of the Illegal Immigration
15 Reform and Immigrant Responsibility Act of
16 1996 (8 U.S.C. 1367).”.

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