

AMENDMENT

OFFERED BY Ms. RANDALL OF WASHINGTON

Insert in the appropriate place in the bill the following:

1 SEC. _____. (a) Section 287 of the Immigration and
2 Nationality Act (8 U.S.C. 1357) is amended by adding
3 at the end the following:

4 “(i)(A) An enforcement action may not take place
5 at, be focused on, or occur within, 1,000 feet of a pro-
6 tected emergency response location, except under exigent
7 circumstances.

8 “(B) If an immigration enforcement action
9 is taking place under exigent circumstances,
10 and the exigent circumstances permitting the
11 enforcement action cease, the enforcement ac-
12 tion shall be discontinued until such exigent cir-
13 cumstances reemerge.

14 “(C) If an individual referred to in sub-
15 paragraph (A) or (B) of paragraph (2) is not
16 certain as to whether exigent circumstances
17 exist, the individual shall cease the enforcement
18 action immediately, consult with their super-
19 visor in real time as to the existence of exigent

1 circumstances, and shall not continue the en-
2 forcement action until the individual's super-
3 visor affirmatively confirms the existence of exi-
4 gent circumstances.

5 “(2) This subsection shall apply to any enforce-
6 ment action by—

7 “(A) officers or agents of the Department
8 of Homeland Security, including officers and
9 agents of U.S. Immigration and Customs En-
10 forcement and U.S. Customs and Border Pro-
11 tection; and

12 “(B) any individual designated to perform
13 immigration enforcement functions pursuant to
14 subsection (g).

15 “(3)(A) When proceeding with an enforcement
16 action at or near a protected emergency response lo-
17 cation, individuals referred to in subparagraphs (A)
18 and (B) of paragraph (2) shall make every effort—

19 “(i) to conduct themselves as dis-
20 creetly as possible, consistent with officer
21 and public safety;

22 “(ii) to limit the time spent at the
23 protected emergency response location; and

1 “(iii) to limit the enforcement action
2 to the person or persons for whom prior
3 approval was obtained.

4 “(B) If, in the course of an enforcement
5 action that is not initiated at or focused on a
6 protected emergency response location, individ-
7 uals referred to in subparagraphs (A) and (B)
8 of paragraph (2) are led to or near a protected
9 emergency response location, and no clear exi-
10 gent circumstance with respect to the protected
11 emergency response location exists, such indi-
12 viduals shall—

13 “(i) cease before taking any further
14 enforcement action;

15 “(ii) conduct themselves in a discreet
16 manner;

17 “(iii) maintain surveillance; and

18 “(iv) in the event that uncertainty ex-
19 ists about the existence of exigent cir-
20 cumstances, immediately consult their su-
21 pervisor in order to determine whether
22 such enforcement action should be discon-
23 tinued pursuant to paragraph (1)(C).

24 “(C) This subsection shall not apply to the
25 transportation of an individual apprehended at

1 or near a land or sea border to a hospital or
2 health care provider for the purpose of pro-
3 viding such individual medical care.

4 “(D) This subsection shall not apply to a
5 rare premeditated arrest operation, undertaken
6 with the prior written approval of an appro-
7 priate authorizing official, involving the tar-
8 geted arrest of a terrorist suspect, an individual
9 who poses a clear threat to national security, or
10 an individual who poses an extraordinary dan-
11 ger to public safety.

12 “(4) If an enforcement action is carried out in
13 violation of this subsection—

14 “(A) no information resulting from the en-
15 forcement action may be entered into the record
16 or received into evidence in a removal pro-
17 ceeding resulting from the enforcement action;
18 and

19 “(B) the alien who is the subject of such
20 removal proceeding may file a motion for the
21 immediate termination of the removal pro-
22 ceeding.

23 “(5)(A) Each official specified in subparagraph
24 (B) shall ensure that the employees under the super-
25 vision of such official receive annual training in com-

1 pliance with the requirements of this subsection, sec-
2 tion 239, and section 384 of the Illegal Immigration
3 Reform and Immigrant Responsibility Act of 1996
4 (8 U.S.C. 1367).

5 “(B) The officials specified in this sub-
6 paragraph are the following:

7 “(i) The Chief Counsel of U.S. Immi-
8 gration and Customs Enforcement.

9 “(ii) The Field Office Directors of
10 U.S. Immigration and Customs Enforce-
11 ment.

12 “(iii) Each Special Agent in Charge of
13 U.S. Immigration and Customs Enforce-
14 ment.

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

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

19 “(vi) The Director of Air and Marine
20 Operations of U.S. Customs and Border
21 Protection.

22 “(vii) The Internal Affairs Special
23 Agent in Charge of U.S. Customs and Bor-
24 der Protection.

1 “(6)(A) Not later than 30 days after any en-
2 forcement action is taken at a protected emergency
3 response location by any individual referred to in
4 subparagraph (A) or (B) of paragraph (2), the Sec-
5 retary of Homeland Security shall provide a report
6 to both the Office of the Inspector General of the
7 Department of Homeland Security and the Office
8 for Civil Rights and Civil Liberties of the Depart-
9 ment of Homeland Security for each of these indi-
10 vidual enforcement actions, which shall contain the
11 following information:

12 “(i) The date, State, and local polit-
13 ical subdivision (such as city, town, or
14 county) in which each enforcement action
15 occurred.

16 “(ii) The specific protected emergency
17 response location site where the enforce-
18 ment action occurred.

19 “(iii) The type of enforcement action
20 that occurred.

21 “(iv) The specific department, agency,
22 and officers responsible for the enforce-
23 ment action.

1 “(v) A thorough description of the cir-
2 cumstances which purportedly justified the
3 enforcement action, including either—

4 “(I) a clear description of the ex-
5 igent circumstances involved; or

6 “(II) a certified copy of the writ-
7 ten approval for the immigration ar-
8 rest that was signed by an appro-
9 priate authorizing officer, along with
10 a clear description of the specific and
11 rare threat which justified the pre-
12 meditated arrest at this protected
13 emergency response location.

14 “(vi) A description of the intended
15 target of the enforcement action.

16 “(vii) The number of individuals, if
17 any, arrested or taken into custody
18 through the enforcement action.

19 “(viii) The number of collateral ar-
20 rests, if any, from the enforcement action
21 and the reasons for each such arrest.

22 “(ix) A certification of whether a su-
23 pervisor was contacted prior to, during, or
24 after each such enforcement action.

1 “(B) An appropriate committee of Con-
2 gress may, at any time, request, and the Sec-
3 retary of Homeland Security shall provide, a
4 confidential or redacted copy of one of the indi-
5 vidual reports described in subparagraph (A).

6 “(7)(A) The Director of U.S. Immigration and
7 Customs Enforcement and the Commissioner of U.S.
8 Customs and Border Protection shall each submit to
9 the appropriate committees of Congress each year a
10 report on the enforcement actions undertaken by
11 U.S. Immigration and Customs Enforcement and
12 U.S. Customs and Border Protection, respectively,
13 during the preceding year that were covered by this
14 subsection.

15 “(B) Each report on an agency for a year
16 under this paragraph shall set forth the fol-
17 lowing:

18 “(i) The number of enforcement ac-
19 tions at or focused on a protected emer-
20 gency response location.

21 “(ii) The number of enforcement ac-
22 tions where officers or agents were subse-
23 quently led to or near a protected emer-
24 gency response location.

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

5 “(iv) The component of the agency re-
6 sponsible for each such enforcement action.

7 “(v) A description of the intended tar-
8 get of each such enforcement action.

9 “(vi) The number of individuals, if
10 any, arrested or taken into custody
11 through each such enforcement action.

12 “(vii) The number of collateral ar-
13 rests, if any, from each such enforcement
14 action and the reasons for each such ar-
15 rest.

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

20 “(8)(A) The Office of the Inspector General of
21 the Department of Homeland Security shall submit
22 to the appropriate committees of Congress each year
23 a report on the complaints of enforcement actions
24 taken in protected emergency response locations by
25 U.S. Immigration and Customs Enforcement and

1 U.S. Customs and Border Protection during the pre-
2 ceding year that were covered by this subsection.

3 “(B) Each report for a year under this
4 paragraph shall set forth the following:

5 “(i) The number of complaints of en-
6 forcement actions reported at or focused
7 on a protected emergency response loca-
8 tion.

9 “(ii) The reported date, site, State,
10 and local political subdivision (such as city,
11 town, or county) in which each enforce-
12 ment action covered was by clause (i) oc-
13 curred.

14 “(iii) The reported agency responsible
15 for each such enforcement action.

16 “(iv) A description of the intended
17 target of each such enforcement action.

18 “(v) The reported number of individ-
19 uals, if any, arrested or taken into custody
20 through each such enforcement action.

21 “(vi) The reported number of collat-
22 eral arrests, if any, from each such en-
23 forcement action and the reasons for each
24 such arrest.

1 “(vii) If available, a certification of
2 whether the location administrator was
3 contacted prior to, during, or after each
4 such enforcement action.

5 “(9) In this subsection:

6 “(A) The term ‘active natural disaster’ in-
7 cludes—

8 “(i) floods, storms, wildfires, hurri-
9 canes, earthquakes, landslides, drought,
10 volcanic eruptions, and tornadoes; and

11 “(ii) man-made disasters, such as oil
12 spills and chemical spills.

13 “(B) The term ‘appropriate authorizing of-
14 ficial’ means the following:

15 “(i) In the case of officers and agents
16 of U.S. Immigration and Customs Enforce-
17 ment, one of the following officials:

18 “(I) The Assistant Director of
19 Operations, Homeland Security Inves-
20 tigations.

21 “(II) The Executive Associate
22 Director of Homeland Security Inves-
23 tigations.

1 “(III) The Assistant Director for
2 Field Operations, Enforcement, and
3 Removal Operations.

4 “(IV) The Executive Associate
5 Director for Field Operations, En-
6 forcement, and Removal Operations.

7 “(V) Any other individual who is
8 determined to be an appropriate au-
9 thorizing official by the Secretary of
10 Homeland Security.

11 “(ii) In the case of officers and agents
12 of U.S. Customs and Border Protection,
13 one of the following officials:

14 “(I) A Chief Patrol Agent.

15 “(II) The Director of Field Oper-
16 ations.

17 “(III) The Director of Air and
18 Marine Operations.

19 “(IV) The Internal Affairs Spe-
20 cial Agent in Charge.

21 “(V) Any other individual who is
22 determined to be an appropriate au-
23 thorizing official by the Secretary of
24 Homeland Security.

1 “(iii) In the case of all other individuals referred to in subparagraph (A) or
2 (B) of paragraph (2), an official determined under rules promulgated by the Secretary of Homeland Security not later than
3 90 days after the date of the enactment of
4 this subsection.

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8 “(C) The term ‘appropriate committees of
9 Congress’ means—

10 “(i) the Committee on Homeland Security and Governmental Affairs of the
11 Senate;

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

15 “(iii) the Committee on Appropriations of the Senate;

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17 “(iv) the Committee on Energy and
18 Natural Resources of the Senate;

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20 “(v) the Committee on Homeland Security of the House of Representatives;

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22 “(vi) the Committee on the Judiciary
23 of the House of Representatives;

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25 “(vii) the Committee on Natural Resources of the House of Representatives;

1 “(viii) the Committee on Transpor-
2 tation and Infrastructure of the House of
3 Representatives; and

4 “(ix) the Committee on Appropriations of the House of Representatives.

6 “(D) The term ‘enforcement action’ means
7 an apprehension, arrest, interview, request for
8 identification, search, or surveillance for the
9 purposes of immigration enforcement, and in-
10 cludes an enforcement action at, or focused on,
11 a protected emergency response location that is
12 part of a joint case led by another law enforce-
13 ment agency.

14 “(E) The term ‘exigent circumstances’
15 means a situation involving any of the fol-
16 lowing:

17 “(i) The imminent risk of death, vio-
18 lence, or physical harm to any person, in-
19 cluding a situation implicating terrorism or
20 the national security of the United States
21 in some other manner.

22 “(ii) The immediate arrest or hot pur-
23 suit of an individual presenting an immi-
24 gent danger to public safety, including the

1 imminent risk of death, violence, or phys-
2 ical harm to a person.

15 “(F) The term ‘protected emergency re-
16 sponse location’ includes all of the physical
17 space located within 1,000 feet of the following:

6 “(G) The term ‘supervisor’ means an offi-
7 cial determined under rules promulgated by the
8 Secretary of Homeland Security not later than
9 90 days after the date of the enactment of this
10 subsection.”.

11 (b) The amendment made by subsection (a) shall take
12 effect 90 days after the date of the enactment of this Act.

13 (c) Not later than 90 days after the date of the enact-
14 ment of this Act, the Secretary of Homeland Security shall
15 issue rules to carry out the amendment made by sub-
16 section (a).