

119TH CONGRESS
1ST SESSION

H. R. 1061

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

FEBRUARY 6, 2025

Mr. ESPAILLAT (for himself, Mr. MCGOVERN, Ms. SÁNCHEZ, Mr. TONKO, Mr. JOHNSON of Georgia, Ms. TLAIB, Ms. LOFGREN, Mr. TAKANO, Mrs. MCIVER, Mr. GRIJALVA, Ms. VELÁZQUEZ, Mr. PALLONE, Ms. ANSARI, Ms. MOORE of Wisconsin, Ms. WASSERMAN SCHULTZ, Mr. GREEN of Texas, Ms. BARRAGÁN, Mr. GOLDMAN of New York, Ms. PINGREE, Ms. TOKUDA, Mr. PETERS, Mrs. HAYES, Mr. PANETTA, Mr. LARSON of Connecticut, Ms. CLARKE of New York, Ms. CROCKETT, Mrs. RAMIREZ, Ms. GARCIA of Texas, Mr. GARCÍA of Illinois, Ms. JAYAPAL, Ms. BONAMICI, Mr. BEYER, Mr. CASTEN, Ms. OMAR, Ms. JACOBS, Mr. TURNER of Texas, and Ms. OCASIO-CORTEZ) 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Protecting Sensitive
3 Locations Act”.

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

6 (a) IN GENERAL.—Section 287 of the Immigration
7 and Nationality Act (8 U.S.C. 1357) is amended by add-
8 ing at the end the following:

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

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

16 “(B) any individual designated to perform im-
17 migration enforcement functions pursuant to sub-
18 section (g).

19 “(2)(A) An enforcement action may not take place
20 at, be focused on, or occur within, 1,000 feet of a sensitive
21 location, except under exigent circumstances.

22 “(B) If an immigration enforcement action is
23 taking place under exigent circumstances, and the
24 exigent circumstances permitting the enforcement
25 action cease, the enforcement action shall be discon-
26 tinued until such exigent circumstances reemerge.

1 “(C) If an individual referred to in subpara-
2 graph (A) or (B) of paragraph (1) is not certain as
3 to whether exigent circumstances exist, the indi-
4 vidual shall cease the enforcement action imme-
5 diately, consult with their supervisor in real time as
6 to the existence of exigent circumstances, and shall
7 not continue the enforcement action until the indi-
8 vidual’s supervisor affirmatively confirms the exist-
9 ence of exigent circumstances.

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

14 “(i) to conduct themselves as discreetly as
15 possible, consistent with officer and public safe-
16 ty;

17 “(ii) to limit the time spent at the sensitive
18 location; and

19 “(iii) to limit the enforcement action to the
20 person or persons for whom prior approval was
21 obtained.

22 “(B) If, in the course of an enforcement action
23 that is not initiated at or focused on a sensitive loca-
24 tion, individuals referred to in subparagraphs (A)
25 and (B) of paragraph (1) are led to or near a sen-

1 sensitive location, and no clear exigent circumstance
2 with respect to the sensitive location exists, such in-
3 dividuals shall—

4 “(i) cease before taking any further en-
5 forcement action;

6 “(ii) conduct themselves in a discreet man-
7 ner;

8 “(iii) maintain surveillance; and

9 “(iv) in the event that uncertainty exists
10 about the existence of exigent circumstances,
11 immediately consult their supervisor in order to
12 determine whether such enforcement action
13 should be discontinued pursuant to paragraph
14 (2)(C).

15 “(C) This subsection shall not apply to the
16 transportation of an individual apprehended at or
17 near a land or sea border to a hospital or health
18 care provider for the purpose of providing such indi-
19 vidual medical care.

20 “(D) This subsection shall not apply to a rare
21 premeditated arrest operation, undertaken with the
22 prior written approval of an appropriate authorizing
23 official, involving the targeted arrest of a terrorist
24 suspect, an individual who poses a clear threat to

1 national security, or an individual who poses an ex-
2 traordinary danger to public safety.

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

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

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

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

18 “(B) The officials specified in this subpara-
19 graph are the following:

20 “(i) The Chief Counsel of U.S. Immigra-
21 tion and Customs Enforcement.

22 “(ii) The Field Office Directors of U.S.
23 Immigration and Customs Enforcement.

24 “(iii) Each Special Agent in Charge of
25 U.S. Immigration and Customs Enforcement.

1 “(iv) Each Chief Patrol Agent of U.S. Cus-
2 toms and Border Protection.

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

5 “(vi) The Director of Air and Marine Op-
6 erations of U.S. Customs and Border Protec-
7 tion.

8 “(vii) The Internal Affairs Special Agent
9 in Charge of U.S. Customs and Border Protec-
10 tion.

11 “(6)(A) Not later than 30 days after any enforcement
12 action is taken at a sensitive location by any individual
13 referred to in subparagraph (A) or (B) of paragraph (1),
14 the Secretary of Homeland Security shall provide a report
15 to both the Office of the Inspector General of the Depart-
16 ment of Homeland Security and the Office for Civil Rights
17 and Civil Liberties of the Department of Homeland Secu-
18 rity for each of these individual enforcement actions,
19 which shall contain the following information:

20 “(i) The date, State, and local political
21 subdivision (such as city, town, or county) in
22 which each enforcement action occurred.

23 “(ii) The specific sensitive location site
24 where the enforcement action occurred.

1 “(iii) The type of enforcement action that
2 occurred.

3 “(iv) The specific department, agency, and
4 officers responsible for the enforcement action.

5 “(v) A thorough description of the cir-
6 cumstances which purportedly justified the en-
7 forcement action, including either—

8 “(I) a clear description of the exigent
9 circumstances involved; or

10 “(II) a certified copy of the written
11 approval for the immigration arrest that
12 was signed by an appropriate authorizing
13 officer, along with a clear description of
14 the specific and rare threat which justified
15 the premediated arrest at this sensitive lo-
16 cation.

17 “(vi) A description of the intended target
18 of the enforcement action.

19 “(vii) The number of individuals, if any,
20 arrested or taken into custody through the en-
21 forcement action.

22 “(viii) The number of collateral arrests, if
23 any, from the enforcement action and the rea-
24 sons for each such arrest.

1 “(ix) A certification of whether a super-
2 visor was contacted prior to, during, or after
3 each such enforcement action.

4 “(B) An appropriate committee of Congress
5 shall, at any time, be able to request and success-
6 fully receive a confidential or redacted copy of one
7 of the individual reports described in subparagraph
8 (A).

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

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

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

21 “(ii) The number of enforcement actions
22 where officers or agents were subsequently led
23 to or near a sensitive location.

24 “(iii) The date, site, State, and local polit-
25 ical subdivision (such as city, town, or county)

1 in which each enforcement action covered by
2 clause (i) or (ii) occurred.

3 “(iv) The component of the agency respon-
4 sible for each such enforcement action.

5 “(v) A description of the intended target of
6 each such enforcement action.

7 “(vi) The number of individuals, if any, ar-
8 rested or taken into custody through each such
9 enforcement action.

10 “(vii) The number of collateral arrests, if
11 any, from each such enforcement action and the
12 reasons for each such arrest.

13 “(viii) A certification of whether the loca-
14 tion administrator was contacted prior to, dur-
15 ing, or after each such enforcement action.

16 “(8)(A) The Office of the Inspector General of the
17 Department of Homeland Security shall submit to the ap-
18 propriate committees of Congress each year a report on
19 the complaints of enforcement actions taken in sensitive
20 locations by U.S. Immigration and Customs Enforcement
21 and U.S. Customs and Border Protection during the pre-
22 ceding year that were covered by this subsection.

23 “(B) Each report for a year under this para-
24 graph shall set forth the following:

1 “(i) The number of complaints of enforce-
2 ment actions reported at or focused on a sen-
3 sitive location.

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

8 “(iv) The reported agency responsible for
9 each such enforcement action.

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

12 “(vi) The reported number of individuals,
13 if any, arrested or taken into custody through
14 each such enforcement action.

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

18 “(viii) If available, a certification of wheth-
19 er the location administrator was contacted
20 prior to, during, or after each such enforcement
21 action.

22 “(9) In this subsection:

23 “(A) The term ‘appropriate authorizing official’
24 means the following:

1 “(i) In the case of officers and agents of
2 U.S. Immigration and Customs Enforcement,
3 one of the following officials:

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

6 “(II) The Executive Associate Direc-
7 tor of Homeland Security Investigations.

8 “(III) The Assistant Director for
9 Field Operations, Enforcement, and Re-
10 moval Operations.

11 “(IV) The Executive Associate Direc-
12 tor for Field Operations, Enforcement, and
13 Removal Operations.

14 “(V) Any other individual who is de-
15 termined to be an appropriate authorizing
16 official by the Secretary of Homeland Se-
17 curity.

18 “(ii) In the case of officers and agents of
19 U.S. Customs and Border Protection, one of
20 the following officials:

21 “(I) A Chief Patrol Agent.

22 “(II) The Director of Field Oper-
23 ations.

24 “(III) The Director of Air and Marine
25 Operations.

1 “(IV) The Internal Affairs Special
2 Agent in Charge.

3 “(V) Any other individual who is de-
4 termined to be an appropriate authorizing
5 official by the Secretary of Homeland Se-
6 curity.

7 “(iii) In the case of all other individuals re-
8 ferred to in subparagraph (A) or (B) of para-
9 graph (1), an official determined under rules
10 promulgated by the Secretary of Homeland Se-
11 curity not later than 90 days after the date of
12 the enactment of this subsection.

13 “(B) The term ‘appropriate committees of Con-
14 gress’ means—

15 “(i) the Committee on Homeland Security
16 and Governmental Affairs of the Senate;

17 “(ii) the Committee on the Judiciary of the
18 Senate;

19 “(iii) the Committee on Appropriations of
20 the Senate;

21 “(iv) the Committee on Homeland Security
22 of the House of Representatives;

23 “(v) the Committee on the Judiciary of the
24 House of Representatives; and

1 “(vi) the Committee on Appropriations of
2 the House of Representatives.

3 “(C) The term ‘early childhood education pro-
4 gram’ has the meaning given the term in section 103
5 of the Higher Education Act of 1965 (20 U.S.C.
6 1003).

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

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

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

21 “(ii) The immediate arrest or hot pursuit
22 of an individual presenting an imminent danger
23 to public safety, including the imminent risk of
24 death, violence, or physical harm to a person.

1 “(iii) A rare, premeditated arrest operation
2 described in paragraph (3)(D), undertaken with
3 the prior written approval of an appropriate au-
4 thorizing official, involving the targeted arrest
5 of a terrorist suspect, an individual who poses
6 a clear threat to national security, or an indi-
7 vidual who poses an extraordinary danger to
8 public safety.

9 “(iv) A direct threat to national security.

10 “(v) The imminent risk of destruction of
11 evidence that is material to an ongoing criminal
12 case.

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

16 “(i) Any medical or mental healthcare fa-
17 cility, including any hospital, health care practi-
18 tioner’s office, accredited health clinic, vaccina-
19 tion or testing site, or emergent or urgent care
20 facility, or community health center.

21 “(ii) Public and private schools (including
22 preschools, primary schools, secondary schools,
23 and postsecondary schools (including colleges
24 and universities)), sites of early childhood edu-
25 cation programs, other institutions of learning,

1 such as vocational or trade schools, and other
2 sites where individuals who are unemployed or
3 underemployed may apply for or receive work-
4 force training.

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

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

11 “(v) Any recreational facility for children
12 such as playgrounds and formal recreational fa-
13 cilities.

14 “(vi) Any child care focused facilities in-
15 cluding child care centers, before or after school
16 care centers, foster care facilities, and group
17 homes for children.

18 “(v) Locations where disaster or emer-
19 gency response and relief is being provided by
20 Federal, State, or local entities, such as the dis-
21 tribution of emergency supplies, food, and
22 water; places of temporary shelter; along evacu-
23 ation routes; and sites where registration for
24 disaster-related assistance or family reunifica-
25 tion is underway.

1 “(vi) Locations of any organization that—

2 “(I) assists children, pregnant women,
3 victims of crime or abuse, or individuals
4 with significant mental or physical disabili-
5 ties, including domestic violence shelters,
6 child advocacy centers, facilities that serve
7 disabled persons, drug or alcohol coun-
8 seling and treatment facilities, rape crisis
9 centers, supervised visitation centers, fam-
10 ily justice centers, victims’ services pro-
11 vidors, and community-based organizations
12 providing social services; or

13 “(II) provides disaster or emergency
14 social services and assistance, or services
15 for individuals experiencing homelessness,
16 including food banks, pantries, or other es-
17 tablishments distributing food, and shel-
18 ters.

19 “(vii) Churches, synagogues, mosques, and
20 other places of worship or religious study, such
21 as buildings rented for the purpose of religious
22 services, or a temporary facility or location
23 where such activities are taking place.

1 “(viii) Sites of funerals, graveside cere-
2 monies, weddings, or sites where other religious
3 or civil ceremonies or observances occur.

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

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

11 “(xi) Congressional district offices.

12 “(xii) Social Security offices.

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

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

19 “(xv) A polling place, which includes any
20 building or infrastructure where voting takes
21 place during an election.

22 “(xvi) A labor union hall or any other
23 union-operated building or office where reg-
24 istered applicants are referred in rotation to
25 jobs.

1 “(xvii) Any public library.

2 “(xviii) Such other locations as the Sec-
3 retary of Homeland Security shall specify for
4 purposes of this subsection.

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

9 (b) EFFECTIVE DATE.—The amendment made by
10 subsection (a) shall take effect 90 days after the date of
11 the enactment of this Act.

12 (c) REGULATIONS.—Not later than 90 days after the
13 date of the enactment of this Act, the Secretary of Home-
14 land Security shall promulgate regulations to carry out the
15 amendment made by subsection (a).

○