

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: To provide limitations on enforcement actions at sensitive locations.

**IN THE SENATE OF THE UNITED STATES—113th Cong., 1st Sess.**

**S. 744**

To provide for comprehensive immigration reform and for other purposes.

Referred to the Committee on \_\_\_\_\_ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. COONS

Viz:

1 At the end of subtitle G of title III, add the following:

2 **SEC. 3720. ENFORCEMENT ACTIONS AT SENSITIVE LOCA-**  
3 **TIONS.**

4 Section 287 (8 U.S.C. 1357) is amended by adding  
5 at the end the following:

6 “(i) ENFORCEMENT ACTIONS AT SENSITIVE LOCA-  
7 TIONS.—

8 “(1) APPLICABILITY.—In order to ensure indi-  
9 viduals’ access to sensitive locations, this section ap-  
10 plies to enforcement actions by officers and agents  
11 of U.S. Immigration and Customs Enforcement and

1 by officers and agents of U.S. Customs and Border  
2 Protection.

3 “(2) LIMITATION ON ENFORCEMENT ACTIONS  
4 AT SENSITIVE LOCATIONS.—No enforcement actions  
5 shall occur at or be focused on sensitive locations  
6 unless—

7 “(A) exigent circumstances exist; or

8 “(B) prior approval is obtained.

9 “(3) CONDUCT OF ENFORCEMENT ACTIONS AT  
10 OR NEAR A SENSITIVE LOCATION.—

11 “(A) REQUIREMENT TO BE DISCREET.—

12 When proceeding with an enforcement action at  
13 or near a sensitive location, officers and agents  
14 shall conduct themselves as discreetly as pos-  
15 sible, consistent with officer and public safety,  
16 and make every effort to limit the time at or fo-  
17 cused on the sensitive location.

18 “(B) ACTIONS NOT INITIATED AT A SEN-  
19 SITIVE LOCATION.—If, in the course of an en-  
20 forcement action that is not initiated at or fo-  
21 cused on a sensitive location, officers or agents  
22 are subsequently led to or near a sensitive loca-  
23 tion, and no exigent circumstance exists, such  
24 officers or agents shall conduct themselves in a  
25 discreet manner, maintain surveillance, and im-

1           mediately consult their supervisor prior to tak-  
2           ing any further enforcement action to determine  
3           whether the operation should be discontinued.

4                   “(C) CONSTRUCTION.—This paragraph  
5           may not be construed to apply to the transpor-  
6           tation of an individual apprehended at or near  
7           an international border of United States to a  
8           hospital or a healthcare provider for the pur-  
9           pose of providing medical care.

10                   “(4) TRAINING.—Each U.S. Immigration and  
11       Customs Enforcement Field Office Director, Special  
12       Agent in Charge, and Chief Counsel and each U.S.  
13       Customs and Border Protection Chief Patrol Agent,  
14       Director of Field Operations, Director of Air and  
15       Marine Operations, and Internal Affairs Special  
16       Agent in Charge shall ensure that the employees  
17       under his or her supervision are trained annually on  
18       enforcement actions at or focused on sensitive loca-  
19       tions, as well as on enforcement actions that lead of-  
20       ficers or agents to or near a sensitive location.

21                   “(5) ANNUAL REPORTS.—

22                           “(A) REQUIREMENT FOR REPORTS.—The  
23       head of U.S. Immigration and Customs En-  
24       forcement and of the U.S. Customs and Border

1           Protection shall each submit to Congress an an-  
2           nual report describing—

3                   “(i) the number of enforcement ac-  
4                   tions at or focused on sensitive locations;

5                   “(ii) the number of enforcement ac-  
6                   tions in which officers or agents were sub-  
7                   sequently led to or near a sensitive loca-  
8                   tion;

9                   “(iii) the date of each enforcement ac-  
10                  tion;

11                  “(iv) the site and state, city, and  
12                  county where each enforcement action oc-  
13                  curred;

14                  “(v) the component of U.S. Immigra-  
15                  tion and Customs Enforcement or U.S.  
16                  Customs and Border Protection respon-  
17                  sible for each enforcement action;

18                  “(vi) the type of each enforcement ac-  
19                  tion;

20                  “(vii) the number of individuals ar-  
21                  rested and taken into custody in the en-  
22                  forcement action;

23                  “(viii) a description of the intended  
24                  target of the enforcement action;

1 “(ix) the number of any collateral ar-  
2 rests from each enforcement action and the  
3 reasons for their arrest; and

4 “(x) whether the location adminis-  
5 trator was contacted prior to, during, or  
6 after the enforcement action.

7 “(B) AVAILABILITY OF REPORTS.—Each  
8 annual report required by subparagraph (A)  
9 shall be made available to the public without  
10 the need to submit a request under section 552  
11 of title 5, United States Code (commonly re-  
12 ferred to as the ‘Freedom of Information Act’).

13 “(6) DEFINITIONS.—In this subsection:

14 “(A) ENFORCEMENT ACTION.—The term  
15 ‘enforcement action’—

16 “(i) means an arrest, interview,  
17 search, and surveillance for the purposes of  
18 immigration enforcement carried out by  
19 U.S. Immigration and Customs Enforce-  
20 ment or U.S. Customs and Border Protec-  
21 tion; and

22 “(ii) includes enforcement actions at  
23 or focused on a sensitive location that are  
24 part of a joint case led by another law en-  
25 forcement agency.

1           “(B) EXIGENT CIRCUMSTANCES.—The  
2 term ‘exigent circumstances’ refers to situations  
3 involving—

4           “(i) the imminent risk of death, vio-  
5 lence, or physical harm to any person, in-  
6 cluding national security or terrorism mat-  
7 ters;

8           “(ii) the immediate arrest or pursuit  
9 of a dangerous felon, terrorist suspect, or  
10 any other individual presenting an immi-  
11 nent danger or public safety risk; or

12           “(iii) the imminent risk of destruction  
13 of evidence that is material to an ongoing  
14 criminal case.

15           “(C) PRIOR APPROVAL.—The term ‘prior  
16 approval’, with respect to—

17           “(i) officers and agents of U.S. Immi-  
18 gration and Customs Enforcement, con-  
19 sists of prior written approval from—

20           “(I) the Assistant Director of  
21 Operations, Homeland Security Inves-  
22 tigation;

23           “(II) the Executive Associate Di-  
24 rector, Homeland Security Investiga-  
25 tions;

1 “(III) the Assistant Director for  
2 Field Operations, Enforcement and  
3 Removal Operations; or

4 “(IV) the Executive Associate Di-  
5 rector, Enforcement and Removal Op-  
6 erations; or

7 “(ii) officers and agents of U.S. Cus-  
8 toms and Border Protection, consists of  
9 prior written approval from—

10 “(I) the Chief Patrol Agent;

11 “(II) the Director of Field Oper-  
12 ations;

13 “(III) the Director of Air and  
14 Marine Operations; or

15 “(IV) the Internal Affairs Special  
16 Agent in Charge.

17 “(D) SENSITIVE LOCATION.—The term  
18 ‘sensitive location’ includes—

19 “(i) a public and private school, in-  
20 cluding a pre-school, primary school, sec-  
21 ondary school, postsecondary school, a col-  
22 lege, university, or other institution of  
23 learning such as a vocational or trade  
24 school;

25 “(ii) a hospital;

1 “(iii) a health clinic;

2 “(iv) a church, synagogue, mosque, or  
3 other place of worship, such as a building  
4 rented for the purpose of religious services;

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

7 “(vi) a community center;

8 “(vii) the site of a public demonstra-  
9 tion, such as a march, rally, or parade;

10 “(viii) the site of other public gath-  
11 erings where parents and children are in  
12 attendance, such as a festival or fair;

13 “(ix) an organization assisting chil-  
14 dren, pregnant women, victims of crime or  
15 abuse, or individuals with mental or phys-  
16 ical disabilities; and

17 “(x) any other location that could rea-  
18 sonably be viewed as sensitive in nature.”.