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(Original Signature of Member)

119TH CONGRESS
1ST SESSION

H. R. _____

To limit the authority immigration officers have at protected emergency
response locations.

IN THE HOUSE OF REPRESENTATIVES

Ms. RANDALL introduced the following bill; which was referred to the
Committee on _____

A BILL

To limit the authority immigration officers have at protected
emergency response locations.

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 “Emergency Responder
5 Protection Act”.

1 **SEC. 2. POWERS OF IMMIGRATION OFFICERS AND EMPLOY-**
2 **EES AT PROTECTED EMERGENCY RESPONSE**
3 **LOCATIONS.**

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

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

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

17 “(C) If an individual referred to in sub-
18 paragraph (A) or (B) of paragraph (2) is not
19 certain as to whether exigent circumstances
20 exist, the individual shall cease the enforcement
21 action immediately, consult with their super-
22 visor in real time as to the existence of exigent
23 circumstances, and shall not continue the en-
24 forcement action until the individual’s super-
25 visor affirmatively confirms the existence of exi-
26 gent circumstances.

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

3 “(A) officers or agents of the Department
4 of Homeland Security, including officers and
5 agents of U.S. Immigration and Customs En-
6 forcement and U.S. Customs and Border Pro-
7 tection; and

8 “(B) any individual designated to perform
9 immigration enforcement functions pursuant to
10 subsection (g).

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

15 “(i) to conduct themselves as dis-
16 creetly as possible, consistent with officer
17 and public safety;

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

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

23 “(B) If, in the course of an enforcement
24 action that is not initiated at or focused on a
25 protected emergency response location, individ-

1 uals referred to in subparagraphs (A) and (B)
2 of paragraph (2) are led to or near a protected
3 emergency response location, and no clear exi-
4 gent circumstance with respect to the protected
5 emergency response location exists, such indi-
6 viduals shall—

7 “(i) cease before taking any further
8 enforcement action;

9 “(ii) conduct themselves in a discreet
10 manner;

11 “(iii) maintain surveillance; and

12 “(iv) in the event that uncertainty ex-
13 ists about the existence of exigent cir-
14 cumstances, immediately consult their su-
15 pervisor in order to determine whether
16 such enforcement action should be discon-
17 tinued pursuant to paragraph (1)(C).

18 “(C) This subsection shall not apply to the
19 transportation of an individual apprehended at
20 or near a land or sea border to a hospital or
21 health care provider for the purpose of pro-
22 viding such individual medical care.

23 “(D) This subsection shall not apply to a
24 rare premeditated arrest operation, undertaken
25 with the prior written approval of an appro-

1 primate authorizing official, involving the tar-
2 geted arrest of a terrorist suspect, an individual
3 who poses a clear threat to national security, or
4 an individual who poses an extraordinary dan-
5 ger to public safety.

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

8 “(A) no information resulting from the en-
9 forcement action may be entered into the record
10 or received into evidence in a removal pro-
11 ceeding resulting from the enforcement action;
12 and

13 “(B) the alien who is the subject of such
14 removal proceeding may file a motion for the
15 immediate termination of the removal pro-
16 ceeding.

17 “(5)(A) Each official specified in subparagraph
18 (B) shall ensure that the employees under the super-
19 vision of such official receive annual training in com-
20 pliance with the requirements of this subsection, sec-
21 tion 239, and section 384 of the Illegal Immigration
22 Reform and Immigrant Responsibility Act of 1996
23 (8 U.S.C. 1367).

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

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

3 “(ii) The Field Office Directors of
4 U.S. Immigration and Customs Enforce-
5 ment.

6 “(iii) Each Special Agent in Charge of
7 U.S. Immigration and Customs Enforce-
8 ment.

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

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

13 “(vi) The Director of Air and Marine
14 Operations of U.S. Customs and Border
15 Protection.

16 “(vii) The Internal Affairs Special
17 Agent in Charge of U.S. Customs and Bor-
18 der Protection.

19 “(6)(A) Not later than 30 days after any en-
20 forcement action is taken at a protected emergency
21 response location by any individual referred to in
22 subparagraph (A) or (B) of paragraph (2), the Sec-
23 retary of Homeland Security shall provide a report
24 to both the Office of the Inspector General of the
25 Department of Homeland Security and the Office

1 for Civil Rights and Civil Liberties of the Depart-
2 ment of Homeland Security for each of these indi-
3 vidual enforcement actions, which shall contain the
4 following information:

5 “(i) The date, State, and local polit-
6 ical subdivision (such as city, town, or
7 county) in which each enforcement action
8 occurred.

9 “(ii) The specific protected emergency
10 response location site where the enforce-
11 ment action occurred.

12 “(iii) The type of enforcement action
13 that occurred.

14 “(iv) The specific department, agency,
15 and officers responsible for the enforce-
16 ment action.

17 “(v) A thorough description of the cir-
18 cumstances which purportedly justified the
19 enforcement action, including either—

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

22 “(II) a certified copy of the writ-
23 ten approval for the immigration ar-
24 rest that was signed by an appro-
25 priate authorizing officer, along with

1 a clear description of the specific and
2 rare threat which justified the
3 premediated arrest at this protected
4 emergency response location.

5 “(vi) A description of the intended
6 target of the enforcement action.

7 “(vii) The number of individuals, if
8 any, arrested or taken into custody
9 through the enforcement action.

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

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

16 “(B) An appropriate committee of Con-
17 gress may, at any time, request, and the Sec-
18 retary of Homeland Security shall provide, a
19 confidential or redacted copy of one of the indi-
20 vidual reports described in subparagraph (A).

21 “(7)(A) The Director of U.S. Immigration and
22 Customs Enforcement and the Commissioner of U.S.
23 Customs and Border Protection shall each submit to
24 the appropriate committees of Congress each year a
25 report on the enforcement actions undertaken by

1 U.S. Immigration and Customs Enforcement and
2 U.S. Customs and Border Protection, respectively,
3 during the preceding year that were covered by this
4 subsection.

5 “(B) Each report on an agency for a year
6 under this paragraph shall set forth the fol-
7 lowing:

8 “(i) The number of enforcement ac-
9 tions at or focused on a protected emer-
10 gency response location.

11 “(ii) The number of enforcement ac-
12 tions where officers or agents were subse-
13 quently led to or near a protected emer-
14 gency response location.

15 “(iii) The date, site, State, and local
16 political subdivision (such as city, town, or
17 county) in which each enforcement action
18 covered by clause (i) or (ii) occurred.

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

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

23 “(vi) The number of individuals, if
24 any, arrested or taken into custody
25 through each such enforcement action.

1 “(vii) The number of collateral ar-
2 rests, if any, from each such enforcement
3 action and the reasons for each such ar-
4 rest.

5 “(viii) A certification of whether the
6 location administrator was contacted prior
7 to, during, or after each such enforcement
8 action.

9 “(8)(A) The Office of the Inspector General of
10 the Department of Homeland Security shall submit
11 to the appropriate committees of Congress each year
12 a report on the complaints of enforcement actions
13 taken in protected emergency response locations by
14 U.S. Immigration and Customs Enforcement and
15 U.S. Customs and Border Protection during the pre-
16 ceding year that were covered by this subsection.

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

19 “(i) The number of complaints of en-
20 forcement actions reported at or focused
21 on a protected emergency response loca-
22 tion.

23 “(iii) The reported date, site, State,
24 and local political subdivision (such as city,
25 town, or county) in which each enforce-

1 ment action covered was by clause (i) oc-
2 curred.

3 “(iv) The reported agency responsible
4 for each such enforcement action.

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

7 “(vi) The reported number of individ-
8 uals, if any, arrested or taken into custody
9 through each such enforcement action.

10 “(vii) The reported number of collat-
11 eral arrests, if any, from each such en-
12 forcement action and the reasons for each
13 such arrest.

14 “(viii) If available, a certification of
15 whether the location administrator was
16 contacted prior to, during, or after each
17 such enforcement action.

18 “(9) In this subsection:

19 “(A) The term ‘active natural disaster’ in-
20 cludes—

21 “(i) floods, storms, wildfires, hurri-
22 canes, earthquakes, landslides, drought,
23 volcanic eruptions, and tornadoes; and

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

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

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

6 “(I) The Assistant Director of
7 Operations, Homeland Security Inves-
8 tigations.

9 “(II) The Executive Associate
10 Director of Homeland Security Inves-
11 tigations.

12 “(III) The Assistant Director for
13 Field Operations, Enforcement, and
14 Removal Operations.

15 “(IV) The Executive Associate
16 Director for Field Operations, En-
17 forcement, and Removal Operations.

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

22 “(ii) In the case of officers and agents
23 of U.S. Customs and Border Protection,
24 one of the following officials:

25 “(I) A Chief Patrol Agent.

1 “(II) The Director of Field Oper-
2 ations.

3 “(III) The Director of Air and
4 Marine Operations.

5 “(IV) The Internal Affairs Spe-
6 cial Agent in Charge.

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 “(iii) In the case of all other individ-
12 uals referred to in subparagraph (A) or
13 (B) of paragraph (2), an official deter-
14 mined under rules promulgated by the Sec-
15 retary of Homeland Security not later than
16 90 days after the date of the enactment of
17 this subsection.

18 “(C) The term ‘appropriate committees of
19 Congress’ means—

20 “(i) the Committee on Homeland Se-
21 curity and Governmental Affairs of the
22 Senate;

23 “(ii) the Committee on the Judiciary
24 of the Senate;

1 “(iii) the Committee on Appropria-
2 tions of the Senate;

3 “(iv) the Committee on Energy and
4 Natural Resources of the Senate;

5 “(v) the Committee on Homeland Se-
6 curity of the House of Representatives;

7 “(vi) the Committee on the Judiciary
8 of the House of Representatives;

9 “(vii) the Committee on Natural Re-
10 sources of the House of Representatives;

11 “(viii) the Committee on Transpor-
12 tation and Infrastructure of the House of
13 Representatives; and

14 “(ix) the Committee on Appropria-
15 tions of the House of Representatives.

16 “(D) The term ‘enforcement action’ means
17 an apprehension, arrest, interview, request for
18 identification, search, or surveillance for the
19 purposes of immigration enforcement, and in-
20 cludes an enforcement action at, or focused on,
21 a protected emergency response location that is
22 part of a joint case led by another law enforce-
23 ment agency.

1 “(E) The term ‘exigent circumstances’
2 means a situation involving any of the fol-
3 lowing:

4 “(i) The imminent risk of death, vio-
5 lence, or physical harm to any person, in-
6 cluding a situation implicating terrorism or
7 the national security of the United States
8 in some other manner.

9 “(ii) The immediate arrest or hot pur-
10 suit of an individual presenting an immi-
11 nent danger to public safety, including the
12 imminent risk of death, violence, or phys-
13 ical harm to a person.

14 “(iii) A rare, premeditated arrest op-
15 eration described in paragraph (3)(D), un-
16 dertaken with the prior written approval of
17 an appropriate authorizing official, involv-
18 ing the targeted arrest of a terrorist sus-
19 pect, an individual who poses a clear threat
20 to national security, or an individual who
21 poses an extraordinary danger to public
22 safety.

23 “(iv) The imminent risk of destruction
24 of evidence that is material to an ongoing
25 criminal case.

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

4 “(i) Locations where active natural
5 disaster, human-caused events, emergency
6 declarations are in effect, or emergency re-
7 sponse and relief is being provided, such as
8 the distribution of emergency supplies,
9 food, and water; places of temporary shel-
10 ter; along evacuation routes; and sites
11 where registration for disaster-related as-
12 sistance or family reunification is under
13 way.

14 “(ii) Locations of any organization
15 that provides disaster or emergency social
16 services and assistance.

17 “(G) The term ‘supervisor’ means an offi-
18 cial determined under rules promulgated by the
19 Secretary of Homeland Security not later than
20 90 days after the date of the enactment of this
21 subsection.”.

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

1 (c) RULE MAKING.—Not later than 90 days after the
2 date of the enactment of this Act, the Secretary of Home-
3 land Security shall issue rules carry out the amendment
4 made by subsection (a).