119TH CONGRESS
2D SESSION

S. _____

To restrict immigration enforcement actions at airports, to limit information sharing by U.S. Immigration Enforcement and the Transportation Security Administration, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Ms. ROSEN (for herself, Mr. PADILLA, and Ms. DUCKWORTH) introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To restrict immigration enforcement actions at airports, to limit information sharing by U.S. Immigration Enforcement and the Transportation Security Administration, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Travel Without Fear Act''.

SEC. 2. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) since the start of President Trump's second term, the President's executive actions and the Department of Homeland Security's internal policies have increasingly and deceptively utilized the claim of national security to justify President Trump's cruel immigration actions, which are increasingly targeting individuals at airports or on airlines, including individuals who are residing in the country legally in a period of authorized stay; and

(2) the Trump Administration should—

(A) cease using passenger screening processes and the data sharing arrangement between U.S. Immigration and Customs Enforcement and the Transportation Security Administration to facilitate civil immigration enforcement at airports; and

(B) allow the already overworked Transportation Security Administration officers and staff to focus exclusively on their primary mission of securing commercial aviation and protecting the traveling public; and

(C) recognize that Transportation Security Administration officers are trained to identify, prevent, and respond to aviation security threats and physical risks to commercial air

transit and are not trained to assist an increasingly out of control government agency to arrest individuals who, by its own definition, are not threats to our national security.

SEC. 3. LIMITATIONS ON INFORMATION SHARING.

(a) IN GENERAL.—Except as provided in subsection (b), the sharing of personal information of travelers between the Transportation Security Administration and U.S. Immigration and Customs Enforcement, including any passenger manifest information obtained from the Secure Flight Program, in order to conduct or facilitate civil immigration enforcement actions at or near an airport is strictly prohibited.

(b) EXCEPTIONS.—The prohibition described in subsection (a) shall not apply to—

(1) U.S. Immigration and Customs Enforcement officers seeking passenger information to execute a judicial warrant with respect to a specified noncitizen; or

(2) exchanges of information in connection with any trusted traveler program, including TSA Precheck, Global Entry, the Visa Waiver Program, the Electronic System for Travel Authorization, and similar programs designed to streamline travel.

(c) RULE OF CONSTRUCTION.—For purposes of subsection (a), information is shared between the Transportation Security Administration and U.S. Immigration and Customs Enforcement if such information is shared with a third party, including a governmental agency, by either the Transportation Security Administration or U.S. Immigration and Customs Enforcement with the intent that it be disclosed to the other agency.

SEC. 4. LIMITATION ON CIVIL IMMIGRATION ENFORCEMENT AT AIRPORTS.

U.S. Immigration and Customs Enforcement may not conduct civil immigration enforcement actions at or near an airport without a judicial warrant for a specified individual as a result of felony criminal convictions that affect such individual's eligibility for immigration benefits.

SEC. 5. REQUIREMENT FOR VISIBLE IDENTIFICATION DURING IMMIGRATION ENFORCEMENT.

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

''(i)(1) In this subsection:

''(A) The term 'covered immigration officer' means any individual who is—

''(i) authorized to perform immigration enforcement functions; and

"(ii) an officer or employee of U.S. Immigration and Customs Enforcement.

"(B) The term 'public immigration enforcement function'—

"(i) means any activity that involves the direct exercise of Federal immigration authority through public-facing actions, at or near an airport, including a stop, an arrest, a search, an interview to determine immigration status, or the service of a judicial or administrative warrant; and

"(ii) does not include covert, non-public operations or non-enforcement activities.

"(C) The term 'visible identification' means a display of an immigration officer's agency and name or badge number in a size and format that complies with the requirements under paragraph (3).

"(2) Each covered immigration officer who directly engages in a public immigration enforcement function at or near an airport shall, at all times during such engagement, wear visible identification, which shall include—

"(A) the full name or widely recognized initials of the officer's employing agency; and

"(B)(i) the officer's last name; or

''(ii) the officer's unique badge or identification number.

''(3) The identifying information described in this paragraph shall be—

''(A) for the immigration officer's agency, displayed in a size and format that is clearly legible from a distance of not less than 25 feet, using materials or markings suitable for visibility in both daylight and low-light conditions, under normal operation conditions;

''(B) for the officer's name or badge number, displayed in a manner that is clearly visible and readable during direct engagement with the public; and

''(C) displayed on the outermost garment or gear and not obscured by tactical equipment, body armor, or accessories.

''(4) Covered immigration officers performing an immigration enforcement function at or near an airport may not wear non-medical face coverings, including masks or balaclavas, which impair the visibility of the identifying information required under this subsection or obscure the officer's face.''.

SEC. 6. COORDINATION AND NOTIFICATION REQUIREMENTS.

U.S. Immigration and Customs Enforcement officers—

(1) shall, to the extent reasonably possible, coordinate with the airport security coordinator and airport law enforcement representatives at any airport to notify them in advance of any impending immigration enforcement action at such airport;

(2) shall, to the extent reasonably possible, provide advance notice and coordinate with airport security and a representative of the relevant airline or the relevant airline's continuously monitored security desk before a U.S. Immigration and Customs Enforcement officer detains a noncitizen in an airport terminal, detains a noncitizen at an airport gate, or removes a noncitizen from an aircraft;

(3) may not—

(A) directly or indirectly access or use any information from internal reservation systems, with or without the assistance of an airport ticketing agent, without a judicial warrant specifically authorizing the access of such information for a targeted individual ; or

(B) stand behind any airline employee or representative at an airport while the employee

or representative reviews, handles, or otherwise processes passenger information or accesses an internal reservation system.

SEC. 7. RECORDKEEPING.

(a) IN GENERAL.—U.S. Immigration and Customs Enforcement shall cross reference the names of noncitizens who are targeted for detention or further immigration enforcement action with the names of noncitizens whose visa or other immigration applications or petitions are pending at U.S. Citizenship and Immigration Services to ensure noncitizens who are within a period of authorized stay are not arrested or detained.

(b) DETAINEE LOCATOR SYSTEM.—U.S. Immigration and Customs Enforcement or U.S. Customs and Border Protection, as applicable, shall update the Online Detainee Locator System—

(1) as soon as practicable each time a noncitizen is detained; and

(2) not later than 6 hours after any change in the custody of such noncitizen while he or she remains in Federal custody.

SEC. 8. RULE OF CONSTRUCTION.

Nothing in this Act may be construed to prevent U.S. Immigration and Customs Enforcement from—

(1) arresting noncitizens with criminal convictions; or

(2) executing judicial warrants on noncitizens who are the subject of such a warrant.