
IN THE CONGRESS OF THE UNITED STATES

FEBRUARY 16, 2020

Mr. VITA, Ms. MAC, Mr. HARRIS, and Mr. KRISTENSEN

(for themselves, Mr. WAFFLES, Mr. MCKENNA, Mr.

PLURIBUS, Mr. ARNO, Mr. HULL, Mr. JONES, Mr. CUCAG,

and Mr. HARDER) introduced the following bill;

AN ACT

To grant permanent residency status on a conditional basis to certain undocumented persons in the United States and abrogate the protective status of sanctuary cities in violation of federal immigration Law.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Halting Obstructionist Objectives of Transgression and Expansion of Residency Status (H.O.O.T.E.R.S.) Act”.

SEC. 2. PERMANENT RESIDENT STATUS ON A CONDITIONAL BASIS FOR CERTAIN LONG-TERM RESIDENTS WHO ENTERED THE UNITED STATES ILLEGALLY.

(a) **CONDITIONAL BASIS FOR STATUS.**—Notwithstanding any other provision of law, an alien shall be considered, at the time of obtaining the status of an alien lawfully admitted for permanent residence under this section, to have obtained such status on a conditional basis subject to the provisions of this title.

(b) **Requirements.**—

(1) **IN GENERAL.**—Notwithstanding any other provision of law, the Secretary or the Attorney General shall cancel the removal of, and adjust to the status of an alien lawfully

admitted for permanent residence on a conditional basis, an alien who is inadmissible or deportable from the United States if -

(A) the alien is under a grant of Deferred Enforced Departure or has temporary protected status under section 244 of the Immigration and Nationality Act (8 U.S.C. 1254a)), was younger than 18 years of age on the date on which the alien entered the United States and has continuously resided in the United States since such entry, or has been continuously physically present in the United States since the date that is 4 years before the date of the enactment of this Act;

(B) the alien—

(i) is not inadmissible under paragraph (1), (6)(E), (6)(G), (8), or (10) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a));

(ii) has not ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion;

(iii) has not been convicted of—

(I) any offense under Federal or State law, other than a State offense for which an essential element is the alien's immigration status, that is punishable by a maximum term of imprisonment of more than 1 year; or

(II) 3 or more offenses under Federal or State law, other than State offenses for which an essential element is the alien's immigration status, for which the alien was convicted on different dates for each of the 3 offenses and imprisoned for an aggregate of 90 days or more; and

(iv) is not barred from adjustment of status under this title based on the criminal and national security grounds described under subsection (B), subject to the provisions of such subsection.

SEC. 3. BALANCING SAFETY MEASURES AND PROTECTIONS AFFORDED TO UNDOCUMENTED IMMIGRANTS.

(a) JUDICIAL REVIEW.—An alien is entitled to judicial review of the Secretary's decision to provisionally deny an application under this Act in an appropriate United States district court.

(1) IN GENERAL.—An alien seeking administrative or judicial review under this Act may not be removed from the United States until a final decision is rendered establishing that the alien is ineligible for adjustment of status under this Act.

(b) MEDICAL EXAMINATION.—

(A) REQUIREMENT.—An alien applying for permanent resident status on a conditional basis under this Act shall undergo a medical examination.

(B) POLICIES AND PROCEDURES.—The Secretary of Health and Human Services shall prescribe policies and procedures for the nature and timing of the examination required under subparagraph (A), in accordance with Sections 212(1)(A) and 212(g) of the Immigration and Nationality Act.

(c) REPEALING PUBLIC CHARGE.—Section 237(a) of the Immigration and Nationality Act (8 U.S.C. 1227(a)) is amended—

(1) in paragraph (1)(A), by inserting before the period at the end the following: “, except in the case of an alien who is inadmissible under section 212(a)(4)”;

(2) by repealing paragraph (5).

(d) IMMIGRATION DETENTION PRIORITIES.—The Director of U.S. Immigration and Customs Enforcement shall use the limited resources of U.S. Immigration and Customs Enforcement to detain aliens who pose a threat to national security or public safety.

(1) Presumption.—Absent extraordinary circumstances, aliens shall not be detained under the following conditions, under guidance issued by the Secretary of Health and Human Services:

- (i) they are known to be suffering from serious physical or mental illness;
 - (ii) they have a disability;
 - (iii) they are elderly, pregnant, or nursing;
 - (iv) they are minors;
 - (v) they demonstrate that they are primary caretakers of a minor or an infirm person;
- or
- (vi) their detention is otherwise not in the public interest.

SEC. 4. TERMS OF PERMANENT RESIDENT STATUS ON A CONDITIONAL BASIS.

(a) Period Of Status.—Permanent resident status on a conditional basis is—

- (1) valid for a period of 10 years, unless such period is extended by the Secretary; and
- (2) subject to revocation under subsection (c).

(b) Notice Of Requirements.—At the time an alien obtains permanent resident status on a conditional basis, the Secretary shall provide notice to the alien regarding the provisions of this title and the requirements to have the conditional basis of such status removed.

(c) Revocation Of Status.—The Secretary may revoke the permanent resident status on a conditional basis of an alien only if the Secretary—

- (1) determines that the alien ceases to meet the requirements under section 2(b)(ii); and
- (2) prior to the revocation, provides the alien—
 - (A) notice of the proposed revocation; and
 - (B) the opportunity for a hearing to provide evidence that the alien meets such requirements or otherwise to contest the proposed revocation.

(d) Return To Previous Immigration Status.—An alien whose permanent resident status on a conditional basis expires or is revoked under, shall return to the immigration status that the alien had immediately before receiving permanent resident status on a conditional basis.

SEC. 5. INELIGIBILITY FOR FEDERAL GRANTS OF CERTAIN JURISDICTIONS THAT VIOLATE THE IMMIGRATION LAWS.

(a) INELIGIBLE JURISDICTIONS.—A State or unit of local government is an ineligible jurisdiction for purposes of this section if that State or unit of local government—

- (1) violates section 642 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373);
- (2) otherwise restricts compliance with a detainer issued by the Secretary of Homeland Security; or

(3) has any law or policy in effect that violates the immigration laws.

(b) ANNUAL DETERMINATION OF INELIGIBLE JURISDICTIONS.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Secretary of Homeland Security shall make a determination as to whether each State or unit of local government is an ineligible jurisdiction under subsection (a) and submit such determinations to Congress.

(c) PROHIBITION ON FEDERAL FINANCIAL ASSISTANCE.—A State or unit of local government that is determined to be an ineligible jurisdiction may not receive any Federal financial assistance (as such term is defined in section 7501(a)(5) of title 31, United States Code) for the fiscal year following any fiscal year in which the Secretary of Homeland Security determines that the State or unit of local government is an ineligible jurisdiction under subsection (b).

SEC. 6. LIMITATION ON LIABILITY FOR COMPLIANCE WITH DETAINER AND WORKPLACE PROTECTIONS FOR LAW ENFORCEMENT.

(a) A State or unit of local government, and any law enforcement officer of such State or unit of local government, acting in compliance with a detainer issued by the Secretary of Homeland Security, shall be considered to be acting under color of Federal authority for purposes of determining liability, and immunity from suit, in any civil action brought by the alien under Federal or State law.

(b) Section 15(a) of the Fair Labor Standards Act (29 U.S.C. 215(a)) is amended—

(1) in paragraph (5), by striking the period at the end and inserting “; and”; and

(2) by adding at the end the following:

“(6) in the case of a State or unit of local government, to discharge or in any other manner discriminate against any law enforcement officer of that State or unit of local government because such law enforcement officer has taken any action to comply with a detainer issued by the Secretary of Homeland Security”.

SEC. 7. STATE CRIMINAL ALIEN ASSISTANCE PROGRAM AND ADDITIONAL BORDER PATROL PERSONNEL.

(a) Section 241(i) of the Immigration and Nationality Act (8 U.S.C. 1231(i)) is amended—

(1) in paragraph (1)—

(A) by inserting “AUTHORIZATION.—” before “If the chief”;

(B) in the matter preceding subparagraph (A), by inserting “and medical expenses to be determined by the U.S. Secretary of Health and Human Services” after “incarceration”; and

(C) by inserting “or an alien with an unknown status” after “undocumented criminal alien” each place that term appears;

(2) by striking paragraphs (2) and (3) and inserting the following:

“(2) COMPENSATION.—

“(A) COMPENSATION OF STATE FOR INCARCERATION.—The Attorney General shall compensate a State or political subdivision of a State referred to in paragraph (1)(A), in accordance with subparagraph (B), for the incarceration of an alien—

“(i) whose immigration status cannot be verified by the Secretary of Homeland Security; and

“(ii) who would otherwise be an undocumented criminal alien if the alien is unlawfully present in the United States.

“(3) DISTRIBUTION OF REIMBURSEMENT.—Any amounts provided to a State or a political subdivision of a State as compensation under paragraph (1)(A) for a fiscal year shall be distributed to such State or political subdivision not later than 120 days after the last day of the period specified by the Attorney General for the submission of requests under that paragraph for that fiscal year.”.

(b) Agents.—The Commissioner of U.S. Customs and Border Protection shall hire, train, and assign not fewer than 600 new Border Patrol agents, compared to the current attrition level, during every fiscal year until the total number of Border Patrol agents equals and sustains the requirements identified in Executive Order 13767 (82 Fed. Reg. 8793).

(c) Support Staff.—The Commissioner is authorized to hire, train, and assign support staff to perform non-law enforcement administrative functions to support the new Border Patrol agents hired pursuant to subsection (a).

(d) Reports To Congress.—Not later than 90 days after the date of the enactment of this Act, and every 90 days thereafter, the Commissioner shall submit a report to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives that describes the status of the Border Patrol workforce, including—

(1) the total number of Border Patrol agents;

(2) the total number of Border Patrol support staff;

(3) the number of Border Patrol agents and support staff hired during the reporting period;

(4) the number of Border Patrol agents and support staff lost to attrition, broken down by port of entry; and

(5) any hiring authorities, incentive pay, or other special pay incentives utilized during the reporting period.

(e) The Commissioner of U.S. Customs and Border Protection shall—

(1) not later than 60 days after the date of the enactment of this Act, amend the comprehensive staffing analysis required under section 2(e) of the Border Patrol Agent Pay Reform Act of 2014 (Public Law 113–277) based on any changes to workload demands since the date of the enactment of such Act; and

(2) not later than 90 days after the date of the enactment of this Act, submit a report to the Comptroller General of the United States that includes the results of a comprehensive staffing analysis, as required under section 2(e) of the Border Patrol Agent Pay Reform Act of 2014 (Public Law 113–277).

SEC. 8. ENFORCEMENT.—This Act shall be subject to joint enforcement and rule-making by the U.S. Department of Homeland Security and the U.S. Department of Health and Human Services.

SEC. 9. EFFECTIVE DATE.—This Act shall go into effect immediately upon passage, subject to Congressional appropriations.
