AMENDMENT TO H.R. 240
OFFERED BY MR. ADERHOLT OF ALABAMA, MR. MULVANEY OF SOUTH CAROLINA, AND MR. BARLETTA OF PENNSYLVANIA

At the end of the bill (before the short title), insert the following:

SEC. _______. (a) No funds or fees made available to the Secretary of Homeland Security, or to any other official of a Federal agency, by this Act or any other Act for any fiscal year, including any deposits into the “Immigration Examinations Fee Account” established under section 286(m) of the Immigration and Nationality Act (8 U.S.C. 1356(m)), may be used to implement, administer, enforce, or carry out (including through the issuance of any regulations) any of the policy changes set forth in the following memoranda (or any substantially similar policy changes issued or taken on or after January 9, 2015, whether set forth in memorandum, Executive order, regulation, directive, or by other action):

(1) The memorandum from the Director of U.S. Immigration and Customs Enforcement entitled “Civil Immigration Enforcement: Priorities for
the Apprehension, Detention, and Removal of Aliens” dated March 2, 2011.

(2) The memorandum from the Director of U.S. Immigration and Customs Enforcement entitled “Exercising Prosecutorial Discretion Consistent with the Civil Immigration Enforcement Priorities of the Agency for the Apprehension, Detention, and Removal of Aliens” dated June 17, 2011.

(3) The memorandum from the Principal Legal Advisor of U.S. Immigration and Customs Enforcement entitled “Case-by-Case Review of Incoming and Certain Pending Cases” dated November 17, 2011.


(6) The memorandum from the Secretary of Homeland Security entitled “Policies for the Appre-
hension, Detention and Removal of Undocumented Immigrants” dated November 20, 2014.


(8) The memorandum from the Secretary of Homeland Security entitled “Exercising Prosecutorial Discretion with Respect to Individuals Who Came to the United States as Children and with Respect to Certain Individuals Who Are the Parents of U.S. Citizens or Permanent Residents” dated November 20, 2014.


(15) The memorandum from the President entitled “Creating Welcoming Communities and Fully Integrating Immigrants and Refugees” dated November 21, 2014.

(b) The memoranda referred to in subsection (a) (or any substantially similar policy changes issued or taken on or after January 9, 2015, whether set forth in memorandum, Executive order, regulation, directive, or by other action) have no statutory or constitutional basis and therefore have no legal effect.

(e) No funds or fees made available to the Secretary of Homeland Security, or to any other official of a Federal agency, by this Act or any other Act for any fiscal year,
including any deposits into the “Immigration Examinations Fee Account” established under section 286(m) of the Immigration and Nationality Act (8 U.S.C. 1356(m)), may be used to grant any Federal benefit to any alien pursuant to any of the policy changes set forth in the memoranda referred to in subsection (a) (or any substantially similar policy changes issued or taken on or after January 9, 2015, whether set forth in memorandum, Executive order, regulation, directive, or by other action).

(d) The budgetary effects of this section shall not be entered on either PAYGO scorecard maintained pursuant to section 4(d) of the Statutory Pay-As-You-Go Act of 2010.

(e) Notwithstanding Rule 3 of the Budget Scorekeeping Guidelines set forth in the joint explanatory statement of the committee of conference accompanying Conference Report 105-217 and section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985, the budgetary effects of this section shall not be estimated—

(1) for purposes of section 251 of the such Act; and
(2) for purposes of paragraph 4(C) of section 3 of the Statutory Pay-As-You-Go Act of 2010 as being included in an appropriation Act.