

AMENDMENT TO RULES COMM. PRINT 114-39
OFFERED BY MR. KING OF IOWA

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

1 SEC. II. None of the funds made available by this
2 division under the heading “Department of Justice—Of-
3 fice of Justice Programs—State and Local Law Enforce-
4 ment Assistance” may be used in contravention of section
5 642(a) of the Illegal Immigration Reform and Immigrant
6 Responsibility Act of 1996 (8 U.S.C. 1373(a)).

At the end of the division relating to Department of
Homeland Security Appropriations (before the short
title), insert the following:

1 SEC. III. (a) No funds, resources, or fees made
2 available to the Secretary of Homeland Security, or to any
3 other official of a Federal agency, by this division or any
4 other Act, including any deposits into the “Immigration
5 Examinations Fee Account” established under section
6 286(m) of the Immigration and Nationality Act (8 U.S.C.
7 1356(m)), may be used to implement, administer, enforce,
8 or carry out (including through the issuance of any regula-
9 tions) any of the policy changes set forth in the following
10 memoranda (or any substantially similar policy changes
11 issued or taken on or after December 16, 2015, whether
12 set forth in memorandum, Executive order, regulation, di-
13 rective, or by other action):

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

3 (2) The memorandum from the Director of
4 U.S. Immigration and Customs Enforcement enti-
5 tled “Exercising Prosecutorial Discretion Consistent

6 with the Civil Immigration Enforcement Priorities of
7 the Agency for the Apprehension, Detention, and
8 Removal of Aliens” dated June 17, 2011.

9 (3) The memorandum from the Principal Legal
10 Advisor of U.S. Immigration and Customs Enforce-
11 ment entitled “Case-by-Case Review of Incoming
12 and Certain Pending Cases” dated November 17,
13 2011.

14 (4) The memorandum from the Secretary of
15 Homeland Security entitled “Exercising Prosecu-
16 torial Discretion with Respect to Individuals Who
17 Came to the United States as Children” dated June
18 15, 2012.

19 (5) The memorandum from the Director of
20 U.S. Immigration and Customs Enforcement enti-
21 tled “Civil Immigration Enforcement: Guidance on
22 the Use of Detainers in the Federal, State, Local,
23 and Tribal Criminal Justice Systems” dated Decem-
24 ber 21, 2012.

1 (6) The memorandum from the Secretary of
2 Homeland Security entitled “Southern Border and
3 Approaches Campaign” dated November 20, 2014.

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

8 (8) The memorandum from the Secretary of
9 Homeland Security entitled “Secure Communities”
10 dated November 20, 2014.

11 (9) The memorandum from the Secretary of
12 Homeland Security entitled “Exercising Prosecu-
13 torial Discretion with Respect to Individuals Who
14 Came to the United States as Children and with Re-
15 spect to Certain Individuals Who Are the Parents of
16 U.S. Citizens or Permanent Residents” dated No-
17 vember 20, 2014.

18 (10) The memorandum from the Secretary of
19 Homeland Security entitled “Expansion of the Pro-
20 visional Waiver Program” dated November 20,
21 2014.

22 (11) The memorandum from the Secretary of
23 Homeland Security entitled “Policies Supporting
24 U.S. High-Skilled Businesses and Workers” dated
25 November 20, 2014.

1 (12) The memorandum from the Secretary of
2 Homeland Security entitled “Families of U.S.
3 Armed Forces Members and Enlistees” dated No-
4 vember 20, 2014.

5 (13) The memorandum from the Secretary of
6 Homeland Security entitled “Directive to Provide
7 Consistency Regarding Advance Parole” dated No-
8 vember 20, 2014.

9 (14) The memorandum from the Secretary of
10 Homeland Security entitled “Policies to Promote
11 and Increase Access to U.S. Citizenship” dated No-
12 vember 20, 2014.

13 (15) The memorandum from the President enti-
14 tled “Modernizing and Streamlining the U.S. Immi-
15 grant Visa System for the 21st Century” dated No-
16 vember 21, 2014.

17 (16) The memorandum from the President enti-
18 tled “Creating Welcoming Communities and Fully
19 Integrating Immigrants and Refugees” dated No-
20 vember 21, 2014.

21 (b) The memoranda referred to in subsection (a) (or
22 any substantially similar policy changes issued or taken
23 on or after December 16, 2015, whether set forth in
24 memorandum, Executive order, regulation, directive, or by
1 other action) have no statutory or constitutional basis and
2 therefore have no legal effect.

3 (c) No funds or fees made available to the Secretary
4 of Homeland Security, or to any other official of a Federal
5 agency, by this division or any other Act, including any
6 deposits into the “Immigration Examinations Fee Ac-
7 count” established under section 286(m) of the Immigra-
8 tion and Nationality Act (8 U.S.C. 1356(m)), may be used
9 to grant any Federal benefit to any alien pursuant to any
10 of the policy changes set forth in the memoranda referred
11 to in subsection (a) (or any substantially similar policy
12 changes issued or taken on or after December 16, 2015,

13 whether set forth in memorandum, Executive order, regu-
14 lation, directive, or by other action).

15 (d) The budgetary effects of this section shall not be
16 entered on either PAYGO scorecard maintained pursuant
17 to section 4(d) of the Statutory Pay-As-You-Go Act of
18 2010.

19 (e) Notwithstanding Rule 3 of the Budget
20 Scorekeeping Guidelines set forth in the joint explanatory
21 statement of the committee of conference accompanying
22 Conference Report 105-217 and section 250(c)(8) of the
23 Balanced Budget and Emergency Deficit Control Act of
24 1985, the budgetary effects of this section shall not be
25 estimated—

1 (1) for purposes of section 251 of the such Act;
2 and

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