

AMENDMENT TO RULES COMMITTEE PRINT 114-

70

OFFERED BY MR. KING OF IOWA

Strike all after section 1 and insert the following:

1 **SEC. 2. FURTHER CONTINUING APPROPRIATIONS.**

2 The Continuing Appropriations Act, 2017 (division C
3 of Public Law 114–223) is amended—

4 (1) by striking the date specified in section
5 106(3) and inserting “April 28, 2017”;

6 (2) by amending subsection (b) to read as fol-
7 lows:

8 “(b)(1) The rate for operations provided by sub-
9 section (a) in the revised security category (as defined in
10 section 250(c)(4)(D) of the Balanced Budget and Emer-
11 gency Deficit Control Act of 1985) is hereby increased by
12 the percentage necessary to achieve a rate for operations
13 in such category of \$536,000,000,000.

14 “(2) The rate for operations provided by subsection
15 (a) in the revised nonsecurity category (as defined in sec-
16 tion 250(c)(4)(E) of such Act) is hereby reduced by the
17 percentage necessary to achieve a rate for operations in
18 such category of \$504,000,000,000.”; and

1 (3) by inserting after section 145 the following
2 new sections:

3 “SEC. 146. None of the funds made available by this
4 joint resolution under the heading ‘Department of Jus-
5 tice—Office of Justice Programs—State and Local Law
6 Enforcement Assistance’ may be used in contravention of
7 section 642(a) of the Illegal Immigration Reform and Im-
8 migrant Responsibility Act of 1996 (8 U.S.C. 1373(a)).

9 “SEC. 147. (a) None of the funds made available by
10 this joint resolution or any other Act, including any depos-
11 its into the ‘Immigration Examinations Fee Account’ es-
12 tablished under section 286(m) of the Immigration and
13 Nationality Act (8 U.S.C. 1356(m)), to the Secretary of
14 Homeland Security, or to any other official of a Federal
15 agency, may be used to implement, administer, enforce,
16 or carry out (including through the issuance of any regula-
17 tions) any of the policy changes set forth in the following
18 memoranda (or any substantially similar policy changes
19 issued or taken on or after December 16, 2015, whether
20 set forth in memorandum, Executive order, regulation, di-
21 rective, or by other action):

22 “(1) The memorandum from the Director of
23 U.S. Immigration and Customs Enforcement enti-
24 tled ‘Civil Immigration Enforcement: Priorities for

1 the Apprehension, Detention, and Removal of Aliens’
2 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
10 Legal Advisor of U.S. Immigration and Customs
11 Enforcement entitled ‘Case-by-Case Review of In-
12 coming and Certain Pending Cases’ dated June 17,
13 2011.

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

18 “(5) The memorandum from the Director of
19 U.S. Immigration and Customs Enforcement enti-
20 tled ‘Civil Immigration Enforcement: Guidance on
21 the Use of Detainers in the Federal, State, Local,
22 and Tribal Criminal Justice Systems’ dated Decem-
23 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 Prosecutorial
13 Discretion with Respect to Individuals Who Came to
14 the United States as Children and with Respect to
15 Certain Individuals Who Are the Parents of U.S.
16 Citizens or Permanent Residents’ dated November
17 20, 2014.

18 “(10) The memorandum from the Secretary of
19 Homeland Security entitled ‘Expansion of the Provi-
20 sional Waiver Program’ dated November 20, 2014.

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

1 “(12) The memorandum from the Secretary of
2 Homeland Security entitled ‘Families of U.S. Armed
3 Forces Members and Enlistees’ dated November 20,
4 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 and
11 Increase Access to U.S. Citizenship’ dated November
12 20, 2014.

13 “(15) The memorandum from the President en-
14 titled ‘Modernizing and Streamlining the U.S. Immig-
15 grant Visa System for the 21st Century’ dated No-
16 vember 21, 2014.

17 “(16) The memorandum from the President en-
18 titled ‘Creating Welcoming Communities and Fully
19 Integrating Immigrants and Refugees’ dated Novem-
20 ber 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 joint resolution or any other Act, including
6 any 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
16 be entered on either PAYGO scorecard maintained pursu-
17 ant to section 4(d) of the Statutory Pay-As-You-Go Act
18 of 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
2 Act; and

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

6 “SEC. 148. None of the funds made available by this
7 joint resolution may be used to carry out the provisions
8 of the Patient Protection and Affordable Care Act (Public
9 Law 111-148) or title I or subtitle B of title II of the
10 Health Care and Education Reconciliation Act of 2010
11 (Public Law 111-152), or any amendment made by the
12 Patient Protection and Affordable Care Act or by such
13 title I or subtitle B of title II of the Health Care and
14 Education Reconciliation Act of 2010.

15 “SEC. 149. None of the funds made available by this
16 joint resolution may be—

17 “(1) used to provide a Federal public benefit
18 (as such term is defined in section 401(c) of the
19 Personal Responsibility and Work Opportunity Rec-
20 onciliation Act of 1996 (8 U.S.C. 1611(c))) to an
21 alien admitted as a refugee under section 207 of the
22 Immigration and Nationality Act (8 U.S.C. 1157);
23 or

1 “(2) made available to the Office of Refugee
2 Resettlement or to the United Nations High Com-
3 missioner for Refugees.

4 “SEC. 150. None of the funds made available by this
5 joint resolution may be used to implement, administer, or
6 enforce the letter entitled ‘Dear Colleague Letter on
7 Transgender Students’, dated May 13, 2016, issued joint-
8 ly by the Department of Justice and the Department of
9 Education, relating to title IX of the Education Amend-
10 ments of 1972 (20 U.S.C. 1681 et seq.).

11 “SEC. 151. None of the funds made available by this
12 joint resolution may be used to implement, administer, or
13 enforce the rule submitted by the Department of Labor
14 relating to defining and delimiting the exemptions regard-
15 ing the rates of pay for executive, administrative, profes-
16 sional, outside sales, and computer employees (81 Fed.
17 Reg. 32552 (May 23, 2016)).

18 “SEC. 152. None of the funds made available by this
19 joint resolution may be used to develop, adopt, implement,
20 administer, or enforce any change to the regulations and
21 guidance in effect on October 1, 2012, pertaining to the
22 definition of waters under the jurisdiction of the Federal
23 Water Pollution Control Act (33 U.S.C. 1251, et seq.),
24 including the provisions of the rules dated November 13,
25 1986, and August 25, 1993, relating to said jurisdiction,

1 and the guidance documents dated January 15, 2003, and
2 December 2, 2008, relating to said jurisdiction.

3 “SEC. 153. None of the funds made available by this
4 joint resolution may be used to implement, administer, or
5 enforce the rule submitted by the Department of Labor
6 relating to ‘Definition of the Term “Fiduciary”; Conflict
7 of Interest Rule—Retirement Investment Advice’ (pub-
8 lished at 81 Fed. Reg. 20946 (April 8, 2016)).

9 “SEC. 154. None of the funds made available by this
10 joint resolution may be used to implement, administer, or
11 enforce the rule submitted by the Environmental Protec-
12 tion Agency relating to ‘Carbon Pollution Emission Guide-
13 lines for Existing Stationary Sources: Electric Utility Gen-
14 erating Units’ (published at 80 Fed. Reg. 64662 (October
15 23, 2015)).

16 “SEC. 155. None of the funds made available by this
17 joint resolution may be made available to Planned Parent-
18 hood Federation of America, or to any of its affiliates,
19 subsidiaries, successors, or clinics.

20 “SEC. 156. None of the funds made available by this
21 joint resolution may be used to fund the implementation
22 of the Joint Comprehensive Plan of Action regarding Iran
23 and submitted to the Congress on July 19, 2015, or any
24 side deals to the nuclear agreement (including all related

1 materials and annexes) between the International Atomic
2 Energy Agency (IAEA) and Iran.

3 “SEC. 157. None of the funds made available by this
4 joint resolution may be used to enforce, or implement in
5 any fashion, any rule or regulation that enforces any as-
6 pect of any agreement, including the agreements entitled
7 ‘Framework on Convention on Climate Change’ and
8 ‘Draft Decision -/CP.21’, reached by the ‘COP21’ con-
9 ference, held in Paris, France in December of 2015.

10 “SEC. 158. None of the funds made available by this
11 joint resolution may be used to enforce the decision of the
12 Supreme Court of the United States in *Obergefell v.*
13 *Hodges*, 135 S.Ct. 2584; (2015).

14 “SEC. 159. During fiscal year 2017, no Federal de-
15 partment or agency may implement, administer, or en-
16 force, and no Federal funds may be used to implement,
17 administer, or enforce, any provision of the Dodd-Frank
18 Wall Street Reform and Consumer Protection Act (Public
19 Law 111–203) or any provision contained in an amend-
20 ment made by such Act.

21 “SEC. 160. Subsection (a) of section 539 of division
22 B of Public Law 114–113 shall apply to funds made avail-
23 able by such Public Law and by this joint resolution not-
24 withstanding subsection (b) of that section.”.

