

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:

1 SEC. _____. (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 Act or any other
4 Act for any fiscal year, including any deposits into the
5 “Immigration Examinations Fee Account” established
6 under section 286(m) of the Immigration and Nationality
7 Act (8 U.S.C. 1356(m)), may be used to implement, ad-
8 minister, enforce, or carry out (including through the
9 issuance of any regulations) any of the policy changes set
10 forth in the following memoranda (or any substantially
11 similar policy changes issued or taken on or after January
12 9, 2015, whether set forth in memorandum, Executive
13 order, regulation, directive, 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 Director of
15 U.S. Immigration and Customs Enforcement enti-
16 tled “Civil Immigration Enforcement: Guidance on
17 the Use of Detainers in the Federal, State, Local,
18 and Tribal Criminal Justice Systems” dated Decem-
19 ber 21, 2012.

20 (5) The memorandum from the Secretary of
21 Homeland Security entitled “Southern Border and
22 Approaches Campaign” dated November 20, 2014.

23 (6) The memorandum from the Secretary of
24 Homeland Security entitled “Policies for the Appre-

1 hension, Detention and Removal of Undocumented
2 Immigrants” dated November 20, 2014.

3 (7) The memorandum from the Secretary of
4 Homeland Security entitled “Secure Communities”
5 dated November 20, 2014.

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

13 (9) The memorandum from the Secretary of
14 Homeland Security entitled “Expansion of the Pro-
15 visional Waiver Program” dated November 20,
16 2014.

17 (10) The memorandum from the Secretary of
18 Homeland Security entitled “Policies Supporting
19 U.S. High-Skilled Businesses and Workers” dated
20 November 20, 2014.

21 (11) The memorandum from the Secretary of
22 Homeland Security entitled “Families of U.S.
23 Armed Forces Members and Enlistees” dated No-
24 vember 20, 2014.

1 (12) The memorandum from the Secretary of
2 Homeland Security entitled “Directive to Provide
3 Consistency Regarding Advance Parole” dated No-
4 vember 20, 2014.

5 (13) The memorandum from the Secretary of
6 Homeland Security entitled “Policies to Promote
7 and Increase Access to U.S. Citizenship” dated No-
8 vember 20, 2014.

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

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

17 (b) The memoranda referred to in subsection (a) (or
18 any substantially similar policy changes issued or taken
19 on or after January 9, 2015, whether set forth in memo-
20 randum, Executive order, regulation, directive, or by other
21 action) have no statutory or constitutional basis and there-
22 fore have no legal effect.

23 (c) No funds or fees made available to the Secretary
24 of Homeland Security, or to any other official of a Federal
25 agency, by this Act or any other Act for any fiscal year,

1 including any deposits into the “Immigration Examina-
2 tions Fee Account” established under section 286(m) of
3 the Immigration and Nationality Act (8 U.S.C. 1356(m)),
4 may be used to grant any Federal benefit to any alien
5 pursuant to any of the policy changes set forth in the
6 memoranda referred to in subsection (a) (or any substan-
7 tially similar policy changes issued or taken on or after
8 January 9, 2015, whether set forth in memorandum, Ex-
9 ecutive order, regulation, directive, or by other action).

10 (d) The budgetary effects of this section shall not be
11 entered on either PAYGO scorecard maintained pursuant
12 to section 4(d) of the Statutory Pay-As-You-Go Act of
13 2010.

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

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

22 and

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

