109TH CONGRESS   1ST SESSION   H. R. 4032

To amend the Immigration and Nationality Act to remove the discretion of the Secretary of Homeland Security with respect to expedited removal under section 235(b)(1)(A)(iii)(I) of such Act and to amend the Truth in Lending Act to prohibit issuance of residential mortgages to illegal aliens.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 7, 2005

Mr. DOOLITTLE introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Immigration and Nationality Act to remove the discretion of the Secretary of Homeland Security with respect to expedited removal under section 235(b)(1)(A)(iii)(I) of such Act and to amend the Truth in Lending Act to prohibit issuance of residential mortgages to illegal aliens.

1 Be it enacted by the Senate and House of Representa-
2 tives of the United States of America in Congress assembled,
SECTION 1. REMOVAL OF DISCRETION TO ORDER EXPE- 
ITED REMOVAL.

Section 235(b)(1)(A)(iii)(I) of the Immigration and 
Nationality Act (8 U.S.C. 1225(b)(1)(A)(iii)(I)) is amend- 
ed to read as follows:

“(I) IN GENERAL.—The Sec- 
retary of Homeland Security shall 
apply clauses (i) and (ii) of this sub- 
paragraph to all aliens described in 
subclause (II), except that if the Sec- 
retary, after consulting with appro- 
priate Federal, State, or local law en-
forcement agencies, determines that 
the alien will be detained under the 
authority of such an agency, the Sec-
retary may not remove the alien until 
such detention terminates.”.

SEC. 2. RESIDENTIAL MORTGAGES PROHIBITED FOR 
ALIENS RESIDING IN THE UNITED STATES 
UNLAWFULLY.

(a) IN GENERAL.—Chapter 2 of the Truth in Lend-
ing Act (15 U.S.C. 1631 et seq.) is amended by adding 
at the end the following new section:
§ 140. Residential mortgages prohibited for aliens residing in the United States unlawfully

“Notwithstanding any provision of State law, no credit may be extended by any creditor to any alien unlawfully residing in the United States in any consumer credit transaction in which a security interest, including any such interest arising by operation of law, is or will be retained or acquired in any property located within the United States which is used as a residence of such alien.”.

(b) Clerical Amendment.—The table of sections for chapter 2 of the Truth in Lending Act is amended by inserting after the item relating to section 139 the following new item:

“140. Mortgages prohibited for aliens residing in the United States unlawfully.”.