

PROVIDING FOR FURTHER CONSIDERATION OF THE BILL (H.R. 5230) MAKING SUPPLEMENTAL APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2014, AND FOR OTHER PURPOSES; PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 5272) TO PROHIBIT CERTAIN ACTIONS WITH RESPECT TO DEFERRED ACTION FOR ALIENS NOT LAWFULLY PRESENT IN THE UNITED STATES, AND FOR OTHER PURPOSES; AND PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

AUGUST 1, 2014.—Referred to the House Calendar and ordered to be printed

Mr. SESSIONS, from the Committee on Rules,
submitted the following

R E P O R T

[To accompany H. Res. 710]

The Committee on Rules, having had under consideration House Resolution 710, by a record vote of 9 to 4, report the same to the House with the recommendation that the resolution be adopted.

SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for further consideration of H.R. 5230, making supplemental appropriations for the fiscal year ending September 30, 2014, and for other purposes, under a closed rule. The resolution provides one hour of additional debate equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations. The resolution provides that the amendments printed in Part A of this report shall be considered as adopted. The resolution waives all points of order against provisions in the bill, as amended. The resolution provides one motion to recommit with or without instructions.

Section 2 of the resolution provides that after passage of H.R. 5230 and on the legislative day of August 1, 2014, the House shall consider H.R. 5272, to prohibit certain actions with respect to deferred action for aliens not lawfully present in the United States, and for other purposes, under a closed rule. The resolution provides one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary. The resolution waives all points of order against consideration of the bill. The resolution provides that the amendment printed in Part B of this report shall be considered as adopted and the bill, as amended, shall be considered as read. The resolution waives all

points of order against provisions in the bill, as amended. The resolution provides one motion to recommit with or without instructions.

Section 3 of the resolution strikes section 2 of House Resolution 700 and replaces it with the following: “Sec. 2. It shall be in order at any time on the legislative day of August 1, 2014, for the Speaker to entertain motions that the House suspend the rules, as though under clause 1 of rule XV, relating to a measure addressing missile defense of Israel.”

EXPLANATION OF WAIVERS

Although the resolution waives all points of order against provisions in H.R. 5230, as amended, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

Although the resolution waives all points of order against consideration of H.R. 5272, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

Although the resolution waives all points of order against provisions in H.R. 5272, as amended, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

COMMITTEE VOTES

The results of each record vote on an amendment or motion to report, together with the names of those voting for and against, are printed below:

Rules Committee record vote No. 183

Motion by Mr. Polis to amend the rule to H.R. 5230 to make in order and provide the appropriate waivers for amendment #10 offered by Rep. Polis (CO), which requires the Speaker to bring the House’s bipartisan comprehensive immigration bill to the floor. Defeated: 5–7

Majority Members	Vote	Minority Members	Vote
Ms. Foxx	Nay	Ms. Slaughter	Yea
Mr. Bishop of Utah	Nay	Mr. McGovern	Yea
Mr. Cole	Nay	Mr. Hastings of Florida	Yea
Mr. Woodall	Nay	Mr. Polis	Yea
Mr. Nugent	Nay		
Mr. Webster	Nay		
Ms. Ros-Lehtinen	Yea		
Mr. Burgess	Nay		
Mr. Sessions, Chairman	Nay		

Rules Committee record vote No. 184

Motion by Ms. Foxx to report the rule. Adopted: 9–4

Majority Members	Vote	Minority Members	Vote
Ms. Foxx	Yea	Ms. Slaughter	Nay
Mr. Bishop of Utah	Yea	Mr. McGovern	Nay
Mr. Cole	Yea	Mr. Hastings of Florida	Nay
Mr. Woodall	Yea	Mr. Polis	Nay
Mr. Nugent	Yea		
Mr. Webster	Yea		
Ms. Ros-Lehtinen	Yea		
Mr. Burgess	Yea		
Mr. Sessions, Chairman	Yea		

SUMMARY OF THE AMENDMENTS TO H.R. 5230 IN PART A CONSIDERED
AS ADOPTED

1. Rogers, Harold (KY): Changes the underlying bill by adding \$35 million for the National Guard, and providing transfer authority, to allow states to be reimbursed for National Guard activities related to border security and the current influx of illegal immigrants. The amendment also increases the rescission in section 201 by \$35 million.

2. Carter (TX): Strikes the bill's multilayered adjudicatory process for unaccompanied alien minors apprehended along the border. It inserts language to treat minors from Central American countries in the same expedited fashion as we treat minors from Mexico.

3. Rogers, Mike (AL): Creates a new restriction that prevents the Secretary of Defense from allowing the placement of unauthorized aliens at military installations if doing so would displace members of the Armed Forces (including Guard and Reserve) or interfere with the activities of the Armed Forces (including Guard and Reserve).

SUMMARY OF THE AMENDMENT TO H.R. 5272 IN PART B CONSIDERED
AS ADOPTED

1. Blackburn (TN): SUBSTITUTE Prevents the Administration from expending any funds to (1) adjudicate new applications under DACA or any similar memorandum or policy, (2) authorize a new deferred action program for any class of aliens; and (3) authorize work permits for unlawful aliens.

PART A—TEXT OF AMENDMENTS TO H.R. 5230 CONSIDERED AS
ADOPTED

1. AMENDMENT BY REPRESENTATIVE ROGERS OF KENTUCKY

Page 6, after line 4, insert the following new section:

SEC. 105. Notwithstanding any other provision in this or any other Act, amounts transferred to the Department of Homeland Security pursuant to section 202 of this Act shall be provided by the Secretary of Homeland Security under the heading "Federal Emergency Management Agency—State and Local Programs" to States along the Southwest Border of the United States as reimbursement for necessary costs of National Guard personnel activated under the operational control of the Governors of such States and deployed for the purpose of border security.

Page 6, line 10, strike "\$12,419,000" and insert "\$47,419,000".

Page 7, line 6, strike "GENERAL PROVISION" and insert "GENERAL PROVISIONS".

Page 7, line 11, strike "\$35,000,000" and insert "\$70,000,000".

Page 7, after line 12, insert the following new section:

SEC. 202. Notwithstanding any other provision in this Act, of the amounts made available by this Act for "National Guard Personnel, Army", the Secretary of Defense shall transfer to the Department of Homeland Security such funds as may be necessary, not to exceed \$35,000,000, to reimburse the States for the cost of any units or personnel of the National Guard, to perform operations and mis-

sions under State Active Duty status, deployed in support of a southern border mission.

Page 9, strike lines 15 through 18 and insert the following:

(4) conduct public outreach campaigns to explain the dangers of the journey to the Southwest Border of the United States, emphasize the lack of immigration benefits available, and emphasize that illegal aliens will be removed to their country; and

2. AMENDMENT BY REPRESENTATIVE CARTER OF TEXAS

In the table of contents that begins on page 11, after line 24, strike the items relating to sections 102 through 106 and insert the following:

Sec. 102. Last in, first out.

Sec. 103. Emergency immigration judge resources.

Sec. 104. Protecting children from human traffickers, sex offenders, and other criminals.

Sec. 105. Inclusion of additional grounds for per se ineligibility for asylum.

Beginning on page 12, strike line 3 through page 29, line 9, and insert the following:

SEC. 101. REPATRIATION OF UNACCOMPANIED ALIEN CHILDREN.

Section 235(a) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232(a)) is amended—

(1) in paragraph (2)—

(A) by amending the paragraph heading to read as follows: “RULES FOR UNACCOMPANIED ALIEN CHILDREN.”;

(B) in subparagraph (A)—

(i) in the matter preceding clause (i), by striking “who is a national or habitual resident of a country that is contiguous with the United States”;

(ii) in clause (i), by inserting “and” at the end;

(iii) in clause (ii), by striking “; and” and inserting a period; and

(iv) by striking clause (iii);

(C) in subparagraph (B)—

(i) in the matter preceding clause (i), by striking “(8 U.S.C. 1101 et seq.) may—” and inserting “(8 U.S.C. 1101 et seq)—”;

(ii) in clause (i), by inserting before “permit such child to withdraw” the following: “may”; and

(iii) in clause (ii), by inserting before “return such child” the following: “shall”; and

(D) in subparagraph (C)—

(i) by amending the subparagraph heading to read as follows: “AGREEMENTS WITH FOREIGN COUNTRIES.”; and

(ii) in the matter preceding clause (i), by striking “The Secretary of State shall negotiate agreements between the United States and countries contiguous to the United States” and inserting “The Secretary of State may negotiate agreements between the United States and any foreign country that the Secretary determines appropriate”; and

(2) in paragraph (5)(D)—

(A) in the matter preceding clause (i), by striking “, except for an unaccompanied alien child from a contiguous country subject to the exceptions under subsection (a)(2),” and inserting “who does not meet the criteria listed in paragraph (2)(A)”;

(B) in clause (i), by inserting before the semicolon at the end the following: “, which shall include a hearing before an immigration judge not later than 14 days after being screened under paragraph (4) and the unaccompanied alien child shall be detained until such hearing”;

SEC. 102. LAST IN, FIRST OUT.

In any removal proceedings under section 240 of the Immigration and Nationality Act (8 U.S.C. 1229a) with respect to an unaccompanied alien child (as defined in section 462(g)(2) of the Homeland Security Act of 2002 (6 U.S.C. 279(g)(2))), priority shall be accorded to the alien who has most recently arrived in the United States.

Page 29, strike lines 10 and 11 and insert the following:

SEC. 103. EMERGENCY IMMIGRATION JUDGE RESOURCES.

Not later than 14 days after the

Page 29, beginning on line 16, strike “judges” and all that follows through “section 102.” on line 20 and insert “judges.”.

Page 29, strike line 24 through page 30, line 3.

Page 30, line 4, strike “**105.**” and insert “**104.**”.

Page 31, line 17, strike “**106.**” and insert “**105.**”.

3. AMENDMENT BY REPRESENTATIVE ROGERS OF ALABAMA

Add, at the end of the bill the following:

SEC. 303. LIMITATION ON PLACEMENT OF UNAUTHORIZED ALIENS AT MILITARY INSTALLATIONS.

(a) **LIMITATION.**—The Secretary of Defense may not allow the placement of unauthorized aliens at a military installation in the United States if the use of the military institution to house or care for unauthorized aliens would—

(1) displace members of the Armed Forces serving on active duty or in a reserve or Guard status; or

(2) interfere with activities of the Armed Forces, including reserve components thereof, at the installation.

(b) **DEFINITIONS.**—In this section:

(1) The term “military installation” has the meaning given such term in section 2801(c)(4) of title 10, United States Code.

(2) The term “unauthorized alien” means an alien unlawfully present in the United States, but does not include a dependent of a member of the Armed Forces.

In the table of contents that begins on page 11, after line 24, insert after the item pertaining to section 302 the following:

Sec. 303. Limitation on placement of unauthorized aliens at military installations.

PART B—TEXT OF AMENDMENT TO H.R. 5272 CONSIDERED AS ADOPTED

1. AMENDMENT BY REPRESENTATIVE BLACKBURN OF TENNESSEE

Strike all that follows after the enacting clause, and insert the following:

SECTION 1. LIMITATION ON DEFERRED ACTION FOR CHILDHOOD ARRIVALS; RESTRICTIONS ON EMPLOYMENT AUTHORIZATION FOR ALIENS NOT IN LAWFUL STATUS.

No agency or instrumentality of the Federal Government may use Federal funding or resources after July 30, 2014—

(1) to consider or adjudicate any new or previously denied application of any alien requesting consideration of deferred action for childhood arrivals, as authorized by Executive memorandum dated June 15, 2012 and effective on August 15, 2012 (or by any other succeeding Executive memorandum or policy authorizing a similar program);

(2) to newly authorize deferred action for any class of aliens not lawfully present in the United States; or

(3) to authorize any alien to work in the United States if such alien—

(A) was not lawfully admitted into the United States in compliance with the Immigration and Nationality Act (8 U.S.C. 1101 et seq.); and

(B) is not in lawful status in the United States on the date of the enactment of this Act.