

114TH CONGRESS
1ST SESSION

H. CON. RES. 28

Expressing the sense of Congress that the President's executive amnesty is illegal notwithstanding passage of H.R. 240, the Department of Homeland Security Appropriations Act of 2015.

IN THE HOUSE OF REPRESENTATIVES

MARCH 23, 2015

Mr. MULVANEY submitted the following concurrent resolution; which was referred to the Committee on the Judiciary, and in addition to the Committee on Homeland Security, 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

CONCURRENT RESOLUTION

Expressing the sense of Congress that the President's executive amnesty is illegal notwithstanding passage of H.R. 240, the Department of Homeland Security Appropriations Act of 2015.

Whereas on February 27th, 2015, the Senate passed H.R. 240, the Department of Homeland Security Appropriations Act of 2015 with no provisions to address the President's executive amnesty;

Whereas on March 3rd, 2015, the House concurred in the Senate's amendments by a vote of 257–167, despite opposition to the President's executive amnesty even by those who supported the funding measure;

Whereas on March 4th, 2015, this bill was signed by the President and became law;

Whereas Article I, Section 8 of the Constitution of the United States gives Congress the power “to establish a uniform rule of naturalization,”;

Whereas only Congress has the constitutional authority to legislate which classes of aliens may be granted legal status and work authorization; and

Whereas the passage of H.R. 240 to fund the Department of Homeland Security and protect against ongoing terrorist threats could be misconstrued as the consent of Congress to the President’s illegal and unconstitutional executive amnesty: Now, therefore, be it

1 *Resolved by the House of Representatives (the Senate*
 2 *concurring)*, That Congress affirms that the actions taken
 3 by the President to implement executive amnesty exceed
 4 his constitutional authority, and thus are unlawful. As
 5 used in this resolution, executive amnesty includes the fol-
 6 lowing:

7 (1) The memoranda issued by the Secretary of
 8 Homeland Security on November 20, 2014, on any
 9 of the following subjects:

10 (A) Southern border and approaches cam-
 11 paign.

12 (B) Policies for the apprehension, deten-
 13 tion, and removal of undocumented immigrants.

14 (C) Secure Communities.

1 (D) Personnel reform for Immigration and
2 Customs Enforcement officers.

3 (E) Exercising prosecutorial discretion
4 with respect to individuals who came to the
5 United States as children and with respect to
6 certain individuals who are the parents of citi-
7 zens or permanent residents.

8 (F) Expansion of the Provisional Waiver
9 Program.

10 (G) Policies supporting high skilled busi-
11 nesses and workers.

12 (H) Families of Armed Forces members
13 and enlistees.

14 (I) Directive to provide consistency regard-
15 ing advanced parole.

16 (J) Policies to promote and increase access
17 to citizenship.

18 (2) The memoranda issued by the President on
19 November 21, 2014, on any of the following sub-
20 jects:

21 (A) Creating welcoming communities and
22 fully integrating immigrants and refugees.

23 (B) Modernizing and streamlining the im-
24 migrant visa system for the 21st century.

1 (3) Any substantially similar memorandum
2 issued after November 21, 2014.

3 (4) The memorandum issued by the Secretary
4 of Homeland Security dated June 15, 2012, and ef-
5 fective on August 15, 2012 (or any substantially
6 similar policy changes issued or taken on or after
7 January 9, 2015, whether set forth in memorandum,
8 Executive order, regulation, directive, or by other ac-
9 tion).

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