

114TH CONGRESS
1ST SESSION

H. R. 1715

To prohibit the use of funds to carry out certain immigration-related memoranda, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 26, 2015

Mr. RATCLIFFE (for himself, Mr. LOUDERMILK, Mr. WALKER, Mr. PALMER, Mr. BABIN, and Mr. BRAT) introduced the following bill; 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

A BILL

To prohibit the use of funds to carry out certain immigration-related memoranda, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Executive Amnesty
5 Prevention Act”.

6 **SEC. 2. PROHIBITION ON USE OF FUNDS.**

7 (a) IN GENERAL.—No funds, resources, or fees made
8 available to the Secretary of Homeland Security, or to any

1 other official of a Federal agency, by any Act for any fiscal
2 year, including any deposits into the “Immigration Exami-
3 nations Fee Account” established under section 286(m)
4 of the Immigration and Nationality Act (8 U.S.C.
5 1356(m)), may be used to implement, administer, enforce,
6 or carry out (including through the issuance of any regula-
7 tions) any of the policy changes set forth in the following
8 memoranda (or any substantially similar policy changes
9 issued or taken on or after the date of the enactment of
10 this Act, whether set forth in memorandum, Executive
11 order, regulation, directive, or by other action):

12 (1) The memorandum from the Director of
13 U.S. Immigration and Customs Enforcement enti-
14 tled “Civil Immigration Enforcement: Priorities for
15 the Apprehension, Detention, and Removal of
16 Aliens” dated March 2, 2011.

17 (2) The memorandum from the Director of
18 U.S. Immigration and Customs Enforcement enti-
19 tled “Exercising Prosecutorial Discretion Consistent
20 with the Civil Immigration Enforcement Priorities of
21 the Agency for the Apprehension, Detention, and
22 Removal of Aliens” dated June 17, 2011.

23 (3) The memorandum from the Principal Legal
24 Advisor of U.S. Immigration and Customs Enforce-
25 ment entitled “Case-by-Case Review of Incoming

1 and Certain Pending Cases” dated November 17,
2 2011.

3 (4) The memorandum from the Secretary of
4 Homeland Security entitled “Exercising Prosecu-
5 torial Discretion with Respect to Individuals Who
6 Came to the United States as Children” dated June
7 15, 2012.

8 (5) The memorandum from the Director of
9 U.S. Immigration and Customs Enforcement enti-
10 tled “Civil Immigration Enforcement: Guidance on
11 the Use of Detainers in the Federal, State, Local,
12 and Tribal Criminal Justice Systems” dated Decem-
13 ber 21, 2012.

14 (6) The memorandum from the Secretary of
15 Homeland Security entitled “Southern Border and
16 Approaches Campaign” dated November 20, 2014.

17 (7) The memorandum from the Secretary of
18 Homeland Security entitled “Policies for the Appre-
19 hension, Detention and Removal of Undocumented
20 Immigrants” dated November 20, 2014.

21 (8) The memorandum from the Secretary of
22 Homeland Security entitled “Secure Communities”
23 dated November 20, 2014.

24 (9) The memorandum from the Secretary of
25 Homeland Security entitled “Exercising Prosecu-

1 torial Discretion with Respect to Individuals Who
2 Came to the United States as Children and with Re-
3 spect to Certain Individuals Who Are the Parents of
4 U.S. Citizens or Permanent Residents” dated No-
5 vember 20, 2014.

6 (10) The memorandum from the Secretary of
7 Homeland Security entitled “Expansion of the Pro-
8 visional Waiver Program” dated November 20,
9 2014.

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

14 (12) The memorandum from the Secretary of
15 Homeland Security entitled “Families of U.S.
16 Armed Forces Members and Enlistees” dated No-
17 vember 20, 2014.

18 (13) The memorandum from the Secretary of
19 Homeland Security entitled “Directive to Provide
20 Consistency Regarding Advance Parole” dated No-
21 vember 20, 2014.

22 (14) The memorandum from the Secretary of
23 Homeland Security entitled “Policies to Promote
24 and Increase Access to U.S. Citizenship” dated No-
25 vember 20, 2014.

1 (15) The memorandum from the President enti-
2 tled “Modernizing and Streamlining the U.S. Immig-
3 grant Visa System for the 21st Century” dated No-
4 vember 21, 2014.

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

9 (b) NO LEGAL EFFECT.—The memoranda referred
10 to in subsection (a) (or any substantially similar policy
11 changes issued or taken on or after the date of the enact-
12 ment of this Act, whether set forth in memorandum, Exec-
13 utive order, regulation, directive, or by other action) have
14 no statutory or constitutional basis and therefore have no
15 legal effect.

16 (c) PROHIBITION ON FEDERAL BENEFITS.—No
17 funds or fees made available to the Secretary of Homeland
18 Security, or to any other official of a Federal agency, by
19 any Act for any fiscal year, including any deposits into
20 the “Immigration Examinations Fee Account” established
21 under section 286(m) of the Immigration and Nationality
22 Act (8 U.S.C. 1356(m)), may be used to grant any Fed-
23 eral benefit to any alien pursuant to any of the policy
24 changes set forth in the memoranda referred to in sub-
25 section (a) (or any substantially similar policy changes

1 issued or taken on or after the date of the enactment of
 2 this Act, whether set forth in memorandum, Executive
 3 order, regulation, directive, or by other action).

4 **SEC. 3. ADMISSION AND LAWFUL PRESENCE REQUIRED**
 5 **FOR EMPLOYMENT AUTHORIZATION.**

6 Section 274A(h)(3) of the Immigration and Nation-
 7 ality Act (8 U.S.C. 1324a(h)(3)) is amended—

8 (1) by inserting before “authorized to be so em-
 9 ployed by this Act” the following: “an alien other-
 10 wise admitted to and lawfully present in the United
 11 States, and”; and

12 (2) by inserting at the end the following: “An
 13 alien without lawful status shall be considered to be
 14 an unauthorized alien for purposes of this Act.”.

15 **SEC. 4. CONFORMING AMENDMENTS.**

16 Section 286(n) of the Immigration and Nationality
 17 Act (8 U.S.C. 1356(n)) is amended—

18 (1) by striking “(n) All” and inserting “(n)(1)
 19 Except as provided in paragraph (2), all”; and

20 (2) by adding at the end the following:
 21 “(2) No deposit in the ‘Immigration Examinations
 22 Fee Account’ may be used to implement, administer, carry
 23 out, or enforce the policies in any of the memoranda re-

1 ferred to in section 2(a) of the Executive Amnesty Preven-
2 tion Act.”.

