

**Congress of the United States**  
**House of Representatives**  
Washington, DC 20515-0301

March 26, 2015

The Honorable John Carter  
Chairman  
Subcommittee on Homeland Security  
House Appropriations Committee  
B-307 Rayburn HOB  
Washington, DC 20515

The Honorable Lucille Roybal-Allard  
Ranking Member  
Subcommittee on Homeland Security  
House Appropriations Committee  
1016 Longworth HOB  
Washington, DC 20515

Dear Chairman Carter and Ranking Member Roybal-Allard,

We write today to request that you include language in the Homeland Security Appropriations Act for Fiscal Year 2016 prohibiting the Department of Homeland Security (DHS) from utilizing funds for the president's executive actions on immigration.

Prior to November 20, 2014, President Obama stated at least 22 times that he did not have the authority to unilaterally change immigration policy. Yet that is exactly what he has done. The federal government already lacks the capacity to process immigration applications for those who seek to follow the rule of law. And though it is discouraging to see a massive, multi-million applicant backlog, the only thing more discouraging is that our government now plans to prioritize application processing for individuals who have come here through extralegal means rather than those who respect this country enough to follow its rules. The executive actions on immigration not only disregard the separation of powers, they are a slap in the face to millions seeking opportunity and yearning to be free but are unwilling to make their first actions toward that goal criminal.

The House of Representatives—indeed, the legislative branch—must take a stand against these overreaching actions. Our constituents sent us to Washington to put a stop to this nonsense. The Founding Fathers meant for this hallowed body to be tied most closely to the will of the American citizenry. We must assert our constitutional power of the purse against the president. In doing so, the will of the people will be done.

Including prohibitive language in the Homeland Security Appropriations bill will provide assurances to the public that we will do all that we can do to put an end to this overreach. Accordingly, we ask that you include language similar to the following:

*Sec. \_\_\_\_\_. (a) IN GENERAL.— Notwithstanding any other provision of law, no funds, resources or fees made available to the Secretary of Homeland Security, or to any other official of a Federal agency, by this Act or any other Act for any fiscal year, including any deposits into the 'Immigration Examinations Fee Account' established under section*

*286(m) of the Immigration and Nationality Act (8 U.S.C. 1356(m)), may be used to implement, administer, carry out, or enforce the policies in any of the following:*

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

*(A) Southern border and approaches campaign.*

*(B) Policies for the apprehension, detention, and removal of undocumented immigrants.*

*(C) Secure Communities.*

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

*(E) Exercising prosecutorial discretion with respect to individuals who came to the United States as children and with respect to certain individuals who are the parents of U.S. citizens or permanent residents.*

*(F) Expansion of the Provisional Waiver Program.*

*(G) Policies supporting U.S. high skilled businesses and worker.*

*(H) Families of U.S. Armed Forces members and enlistees.*

*(I) Directive to provide consistency regarding advanced parole.*

*(J) Policies to promote and increase access to U.S. citizenship.*

*(2) The memoranda issued by the President on November 21, 2014, on any of the following subjects:*

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

*(B) Modernizing and streamlining the U.S. immigrant visa system for the 21st century.*

*(3) The memoranda known as the "Morton Memos" which refer to the following:*

*(A) Policy Number 10072.1, published on March 2, 2011*

*(B) Policy Number 10075.1, published June 17, 2011.*

*(C) Policy Number 10076.1, published on June 17, 2011.*

*(D) Immigration and Customs Enforcement memorandum dated November 17, 2011 on the subject "Case-by-Case Review of Incoming and Certain Pending Cases".*

*(E) Department of Homeland Security memorandum dated June 15, 2012 from Janet Napolitano on the subject "Exercising Prosecutorial Discretion with Respect to Individuals Who Came to the United States as Children".*

*(F) Immigration and Customs Enforcement memorandum dated December 21, 2012 from John Morton on the subject "Civil Immigration Enforcement: Guidance on the Use of Detainers in the Federal, State, Local, and Tribal Criminal Justice Systems".*

*(b) FACILITIES CONSTRUCTION, LEASE, OR RENTAL.— Notwithstanding any other provision of law, no funds, resources or fees made available to the Secretary of Homeland Security, or to any other official of a Federal agency, by this Act or any other Act for any fiscal year, including any deposits into the 'Immigration Examinations Fee Account' established under section 286(m) of the Immigration and Nationality Act (8 U.S.C. 1356(m)), may be used to construct, lease, or rent any facility meant to facilitate the implementation of any part of the memoranda referred to in subsection (a).*

*(c) HIRING NEW EMPLOYEES OR CONTRACTORS.— Notwithstanding any other provision of law, no funds, resources or fees made available to the Secretary of Homeland Security, or to any other official of a Federal agency, by this Act or any other Act for any fiscal year, including any deposits into the 'Immigration Examinations Fee Account' established under section 286(m) of the Immigration and Nationality Act (8 U.S.C. 1356(m)), may be used—*

*(1) to hire new employees or contractors to implement any part of the memoranda referred to in subsection (a); or*

*(2) to pay existing Federal employees or Federal contractors to implement any part of such memoranda.*

*(d) DEFERRED ACTION FOR CHILDHOOD ARRIVALS—Notwithstanding any other provision of law, no funds, resources or fees made available to the Secretary of Homeland Security, or to any other official of a Federal agency, by this Act or any other Act for any fiscal year, including any deposits into the 'Immigration Examinations Fee Account' established under section 286(m) of the Immigration and Nationality Act (8 U.S.C. 1356(m)), may be used to consider or adjudicate any new, renewal or previously denied application for any alien requesting consideration of deferred action for childhood arrivals, as authorized by the Executive memorandum dated June 15, 2012, and effective on August 15, 2012 (or any substantially similar policy changes issued or taken on or after January 9, 2015, whether set forth in memorandum, Executive order, regulation, directive, or by other action).*

We thank you for your effort and dutiful consideration of FY 2016 appropriations requests. Your leadership on the Appropriations Committee is most appreciated. Should you have any questions or concerns, please do not hesitate to contact us.

Sincerely,



Paul A. Gosar  
Member of Congress



Jeff Miller  
Member of Congress



Lou Barletta  
Member of Congress



Dana Rohrabacher  
Member of Congress



Jim Bridenstine  
Member of Congress



Steve King  
Member of Congress



Bob Gibbs  
Member of Congress



Louie Gohmert  
Member of Congress



Leonard Lance  
Member of Congress



Tim Huelskamp  
Member of Congress



Tom McClintock  
Member of Congress



Mo Brooks  
Member of Congress



Brian Babin  
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Rod Blum  
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Glenn Grothman  
Member of Congress