

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

March 23, 2016

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

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

Dear Chairman Carter and Ranking Member Roybal-Allard,

As you begin work on the fiscal year (FY) 2017 Department of Homeland Security (DHS) Appropriations bill, we urge you to include language that would prohibit DHS from utilizing funds for unlawful executive actions on immigration.

In his first six years in office, 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 attempted to do by issuing unconstitutional executive actions in November 2014, with the intent of creating the Deferred Action for Parents of Americans (DAPA) program and expanding the Deferred Action for Childhood Arrivals (DACA) program.

Fortunately, U.S. District Judge Andrew Hanen issued an injunction to stop this unlawful overreach—a decision upheld by the U.S. Fifth Circuit Court of Appeals. Unfortunately, the Obama Administration is intent on implementing these unlawful directives and has appealed this case to the Supreme Court.

The federal government already lacks the capacity to process immigration applications for those who seek to follow the Rule of Law. Executive actions on immigration not only disregard the separation of powers, but they are a slap in the face to millions of people waiting in line and seeking to immigrate to our country legally.

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.

Our commonsense request seeks to block all executive actions on immigration dating back to 2011. The House passed nearly identical language last year in the form of H.AMDT.6 to H.R. 240. Article 1, Section 8 gives Congress clear jurisdiction on immigration matters, and the Obama Administration's executive actions clearly infringe on that authority. Blocking this overreach in the Homeland Security Appropriations bill will provide assurances to the public that we will do all we can to put an end to this overreach and defend our Constitution.

Accordingly, we ask that you include language similar to the following:

Sec. _____. (a) 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, enforce, or carry out (including through the issuance of any regulations) any of the policy changes set forth in the following memoranda (or any substantially similar policy changes issued or taken on or after [Insert date of bill introduction], whether set forth in memorandum, Executive order, regulation, directive, or by other action):

- (1) The memorandum from the Director of U.S. Immigration and Customs Enforcement entitled "Civil Immigration Enforcement: Priorities for the Apprehension, Detention, and Removal of Aliens" dated March 2, 2011.*
- (2) The memorandum from the Director of U.S. Immigration and Customs Enforcement entitled "Exercising Prosecutorial Discretion Consistent with the Civil Immigration Enforcement Priorities of the Agency for the Apprehension, Detention, and Removal of Aliens" dated June 17, 2011.*
- (3) The memorandum from the Director of U.S. Immigration and Customs Enforcement entitled "Prosecutorial Discretion: Certain Victims, Witnesses, and Plaintiffs" dated June 17, 2011.*
- (4) The memorandum from the Principal Legal Advisor of U.S. Immigration and Customs Enforcement entitled "Case-by-Case Review of Incoming and Certain Pending Cases" dated November 17, 2011.*

(5) U.S. Citizenship and Immigration Services policy memorandum entitled "Revised Guidance for the Referral of Cases and Issuance of Notices to Appear (NTAs) in Cases Involving Inadmissible and Removable Aliens" dated November 17, 2011.

(6) The recommendations included in the report from the Director of U.S. Immigration and Customs Enforcement entitled "ICE Response to the Task Force on Secure Communities Findings and Recommendations" dated April 27, 2012.

(7) The memorandum from the Secretary of Homeland Security entitled "Exercising Prosecutorial Discretion with Respect to Individuals Who Came to the United States as Children" dated June 15, 2012.

(8) The memorandum from the Director of U.S. Immigration and Customs Enforcement entitled "Civil Immigration Enforcement: Guidance on the Use of Detainers in the Federal, State, Local, and Tribal Criminal Justice Systems" dated December 21, 2012.

(9) The U.S. Citizenship and Immigration Services policy memorandum entitled "Adjudication of Adjustment of Status Applications for Individuals Admitted to the United States Under the Visa Waiver Program" dated November 14, 2013.

(10) The memorandum from the Secretary of Homeland Security entitled "Southern Border and Approaches Campaign" dated November 20, 2014.

(11) The memorandum from the Secretary of Homeland Security entitled "Policies for the Apprehension, Detention and Removal of Undocumented Immigrants" dated November 20, 2014.

(12) The memorandum from the Secretary of Homeland Security entitled "Secure Communities" dated November 20, 2014.

(13) The memorandum from the Secretary of Homeland Security entitled "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" dated November 20, 2014.

(14) The memorandum from the Secretary of Homeland Security entitled "Expansion of the Provisional Waiver Program" dated November 20, 2014.

(15) The memorandum from the Secretary of Homeland Security entitled "Policies Supporting U.S. High-Skilled Businesses and Workers" dated November 20, 2014.

(16) *The memorandum from the Secretary of Homeland Security entitled "Families of U.S. Armed Forces Members and Enlistees" dated November 20, 2014.*

(17) *The memorandum from the Secretary of Homeland Security entitled "Directive to Provide Consistency Regarding Advance Parole" dated November 20, 2014.*

(18) *The memorandum from the Secretary of Homeland Security entitled "Policies to Promote and Increase Access to U.S. Citizenship" dated November 20, 2014.*

(19) *The memorandum from the President entitled "Modernizing and Streamlining the U.S. Immigrant Visa System for the 21st Century" dated November 21, 2014.*

(20) *The memorandum from the President entitled "Creating Welcoming Communities and Fully Integrating Immigrants and Refugees" dated November 21, 2014.*

(b) *The memoranda referred to in subsection (a) (or any substantially similar policy changes issued or taken on or after [Insert date of bill introduction], whether set forth in memorandum, Executive order, regulation, directive, or by other action) have no statutory or constitutional basis and therefore have no legal effect.*

(c) *No funds 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 grant any Federal benefit to any alien pursuant to any of the policy changes set forth in the memoranda referred to in subsection (a) (or any substantially similar policy changes issued or taken on or after [Insert date of bill introduction], whether set forth in memorandum, Executive order, regulation, directive, or by other action).*

(d) *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).*

(e) *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*

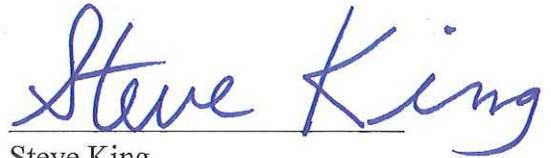
Account' established under section 286(m) of the Immigration and Nationality Act (8 U.S.C. 1356(m)), may be used—

- (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.

Sincerely,



Paul A. Gosar, D.D.S.
Member of Congress



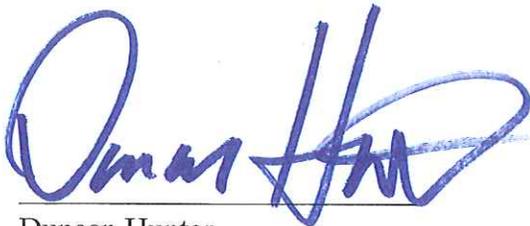
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Member of Congress



Mo Brooks
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Ken Buck
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Duncan Hunter
Member of Congress



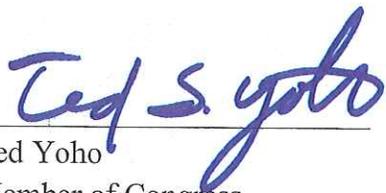
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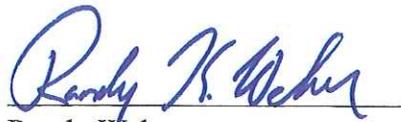
Austin Scott
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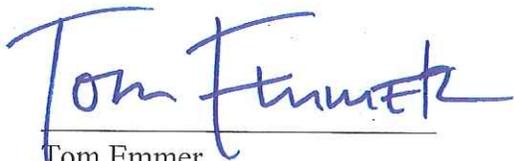
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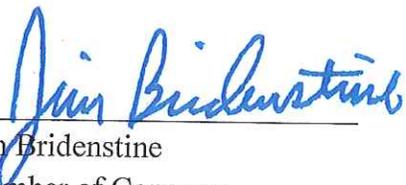
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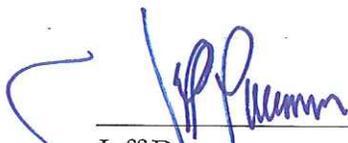
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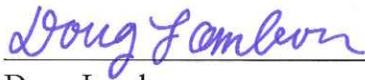
Lou Barletta
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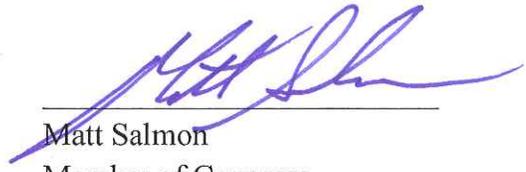
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Member of Congress



Bill Flores
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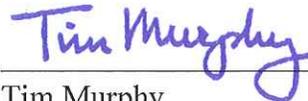
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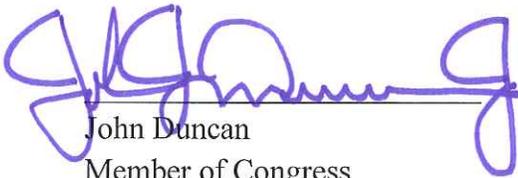
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Louie Gohmert
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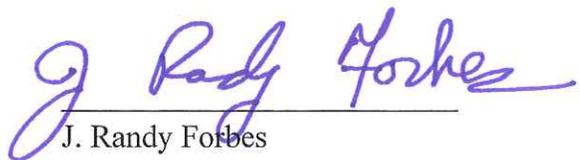
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Member of Congress



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Pete Olson
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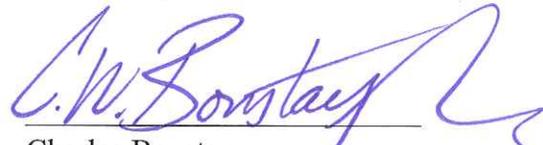
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