



House Members Introduce Bills to Undo Obama Amnesty Program

Rep. Robert Aderholt (R-Ala.) is prepared to introduce legislation in the 114th Congress that would reverse President Obama's executive action to defer deportations and grant work permits for up to five million illegal aliens. Other members of Congress have introduced bills to prohibit the use of funds to carry out the Obama executive actions granting amnesty to illegal aliens.



According to a report from Politico, which broke the story, the Aderholt bill would also reinstate Secure Communities, an Immigration and Customs Enforcement (ICE) deportation program that relies on partnership among federal, state, and local law enforcement agencies. The Secure Communities program was discontinued on November 20, 2014, by the Department of Homeland Security (DHS).

Among other parts of the Aderholt bill, as described by Politico:

- State and local government agencies would have to comply with so-called ICE detainers, in which Immigration and Customs Enforcement requests local authorities to detain an individual for a day or two beyond when the individual would otherwise be released so that the individual's custody may be transferred to ICE. Local agencies have increasingly refused to comply with the detainers, but Aderholt's bill would deny Justice Department funding to agencies that refuse to honor them.
- The legislation would also limit the use of parole in immigration cases. Currently, an individual who is ineligible to enter the United States may be granted a parole by the Secretary of Homeland Security that allows them to legally enter the country. This provision of the law is only used for emergency, humanitarian, and public interest reasons. Aderholt wants the use of parole to be limited mostly to humanitarian cases.
- The bill also includes provisions geared to respond to last summer's border crisis, when thousands of unaccompanied children from Central America illegally crossed our southern border.

In a Fiscal Year 2014 report issued by DHS, Secretary Jeh Johnson offered, as one excuse for declining deportations, "the increasing number of jurisdictions declining to honor ICE detainers, [which] also impacted DHS enforcement operations."

In our article posted last October 8, we reported on a bill introduced in the New York City Council by Council Speaker Melissa Mark-Viverito that would "significantly restrict the conditions under which the NYPD complies with ... ICE detainer requests." The bill was passed by the city council and signed into law by New York Mayor Bill de Blasio on November 14.



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Aderholt's bill is presently at the House Office of the Legislative Counsel, which provides legislative drafting services to House members.

In the last Congress, Aderholt cosponsored H.R. 5142, the Protection of Children Act of 2014. The bill's stated purpose was: "To amend the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 to provide for the expedited removal of unaccompanied alien children who are not victims of a severe form of trafficking in persons and who do not have a fear of returning to their country of nationality or last habitual residence, and for other purposes."

The William Wilberforce Act was passed to prevent victims of child trafficking from being automatically sent back to those who had effectively enslaved them. It provides for a hearing before an immigration judge to evaluate youthful illegal immigrants' situations before possible deportation. However, because of the overwhelming flood of such young illegal aliens last year, the backlog in our immigration courts became enormous, sometimes extending for years.

H.R. 5142 was never brought to the floor for a vote.

Poltico reported, citing an unnamed source familiar with a daily House leadership meeting held this week, that Rep. Steve Scalise (R-La.), the third-ranking House Republican, discussed Aderholt's planned legislation during the meeting.

At press time, there was still no text available for legislation introduced in the 114th Congress. (Bills are generally sent to the Library of Congress from the Government Printing Office a day or two after they are introduced on the floor of the House or Senate.) However, one piece of legislation introduced in the Senate on January 6, S.11, appears to have been drafted with President Obama's recent executive actions in mind. Its description reads: "A bill to protect the separation of powers in the Constitution of the United States by ensuring that the President takes care that the laws be faithfully executed, and for other purposes."

S. 11 is sponsored by Sen. Roy Blunt (R-Mo.), and Rand Paul (R-Ky.) is among its 18 co-sponsors. It has been sent to the Senate Judiciary Committee.

Paul introduced a bill in the last Congress, the Preventing Executive Overreach on Immigration Act, which was companion legislation to Rep. Ted Yoho's bill of the same name (H.R. 5759) that passed the House of Representatives on December 4, 2014 on a 219-197 vote.

Because the bill was introduced shortly before the end of the 113th Congress, when the Senate was still controlled by Democrats, it had no chance of being brought up for a vote and was considered to be a symbolic gesture.

The Preventing Executive Overreach on Immigration Act presented a Constitution-based argument against President Obama's executive action on immigration, and was written as a direct response to Obama's nationwide address on November 20 announcing that action.

In a release place on his Senate webpage, Paul explained:

This legislation would end President Obama's executive action on immigration and restore the Congress' constitutional role as the body to craft legislation. Article I of the Constitution places the legislative powers in Congress. The President does not have the power under the Constitution to rewrite immigration laws to exempt classes of people from a law that was passed by Congress and signed into law.

When the text of S.11 is received from the GPO in a day or two, it will interesting to see if it employs



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very similar language in making a strong case against Obama's violation of the separation of powers. We will also be looking for a Senate bill similar to the one Aderholt will soon introduce in the House. Rep. Yoho just introduced new legislation on January 6, H.R. 38, "To prohibit the executive branch from exempting from removal categories of aliens considered under the immigration laws to be unlawfully present in the United States, and for other purposes."

Another bill, introduced on January 6 by Rep. Tom Marino, (R-Pa.), H.R. 155, would "provide that no funds appropriated or otherwise made available may be used to implement, administer, carry out, or enforce certain memoranda related to immigration."

Two other bills introduced on the January 6 would prohibit the use of funds to carry out the Obama executive actions granting amnesty to illegal aliens. H.R. 29, introduced by Rep. Ted Poe (R-Texas), would "prohibit the use of funds for granting deferred action or other immigration relief to aliens not lawfully present in the United States." And H.R. 31, introduced by Rep. Martha Roby (R-Ala.), would "prohibit the use of funds to implement the immigration policies set forth in the memoranda issued by the Secretary of Homeland Security on November 20, 2014, or the memoranda issued by the President on November 21, 2014."

While Obama would undoubtedly veto any of these anti-executive action bills should they arrive on his desk, they would still serve to highlight his actions and make him accountable to the people and to history.

Photo of President Obama: AP Images

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