

112TH CONGRESS  
2D SESSION

# H. R. 5953

To prohibit the implementation of certain policies regarding the exercise of prosecutorial discretion by the Secretary of Homeland Security.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 18, 2012

Mr. QUAYLE (for himself, Mr. ROSS of Florida, Mr. GRAVES of Georgia, Mr. RIBBLE, Mr. MULVANEY, Mr. BROOKS, and Mr. LONG) introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To prohibit the implementation of certain policies regarding the exercise of prosecutorial discretion by the Secretary of Homeland Security.

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 “Prohibiting Back-door  
5 Amnesty Act”.

6 **SEC. 2. NULLIFICATION OF CERTAIN POLICIES REGARDING**  
7 **PROSECUTORIAL DISCRETION.**

8 (a) DISAPPROVAL.—The Congress disapproves the  
9 following, which shall have no force or effect:

1           (1) The June 17, 2011, memorandum from  
2           John Morton, the Director of U.S. Immigration and  
3           Customs Enforcement, regarding the exercise of  
4           prosecutorial discretion consistent with the civil im-  
5           migration enforcement priorities of the agency for  
6           the apprehension, detention, and removal of aliens.

7           (2) The June 15, 2012, memorandum from  
8           Janet Napolitano, the Secretary of Homeland Secu-  
9           rity, regarding the exercise of prosecutorial discre-  
10          tion with respect to individuals who came to the  
11          United States as children.

12          (3) The draft directive developed by U.S. Cus-  
13          toms and Border Protection (amending CBP Direc-  
14          tive No. 3340–043) containing guidance on when to  
15          pursue enforcement actions and factors such agen-  
16          cy’s personnel should consider when exercising dis-  
17          cretion.

18          (b) PROHIBITION.—Pursuant to the plenary power  
19          over immigration of the Congress under article I, section  
20          8, clause 4 of the Constitution of the United States, the  
21          President, the Secretary of Homeland Security, and any  
22          personnel of the Department of Homeland Security shall  
23          not promulgate, implement, administer, or enforce any  
24          Executive order, proposed or final rule, other provision of  
25          law, guidance, or policy that is the same as, or similar

1 in effect to, any or all of the documents described in sub-  
2 section (a).

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