

109<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 4032

To amend the Immigration and Nationality Act to remove the discretion of the Secretary of Homeland Security with respect to expedited removal under section 235(b)(1)(A)(iii)(I) of such Act and to amend the Truth in Lending Act to prohibit issuance of residential mortgages to illegal aliens.

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 7, 2005

Mr. DOOLITTLE introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Financial Services, 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

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## A BILL

To amend the Immigration and Nationality Act to remove the discretion of the Secretary of Homeland Security with respect to expedited removal under section 235(b)(1)(A)(iii)(I) of such Act and to amend the Truth in Lending Act to prohibit issuance of residential mortgages to illegal aliens.

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

1 **SECTION 1. REMOVAL OF DISCRETION TO ORDER EXPE-**  
2 **DITED REMOVAL.**

3 Section 235(b)(1)(A)(iii)(I) of the Immigration and  
4 Nationality Act (8 U.S.C. 1225(b)(1)(A)(iii)(I)) is amend-  
5 ed to read as follows:

6 “(I) IN GENERAL.—The Sec-  
7 retary of Homeland Security shall  
8 apply clauses (i) and (ii) of this sub-  
9 paragraph to all aliens described in  
10 subclause (II), except that if the Sec-  
11 retary, after consulting with appro-  
12 priate Federal, State, or local law en-  
13 forcement agencies, determines that  
14 the alien will be detained under the  
15 authority of such an agency, the Sec-  
16 retary may not remove the alien until  
17 such detention terminates.”.

18 **SEC. 2. RESIDENTIAL MORTGAGES PROHIBITED FOR**  
19 **ALIENS RESIDING IN THE UNITED STATES**  
20 **UNLAWFULLY.**

21 (a) IN GENERAL.—Chapter 2 of the Truth in Lend-  
22 ing Act (15 U.S.C. 1631 et seq.) is amended by adding  
23 at the end the following new section:

1 **“§ 140. Residential mortgages prohibited for aliens**  
2 **residing in the United States unlawfully**

3 “Notwithstanding any provision of State law, no  
4 credit may be extended by any creditor to any alien unlaw-  
5 fully residing in the United States in any consumer credit  
6 transaction in which a security interest, including any  
7 such interest arising by operation of law, is or will be re-  
8 tained or acquired in any property located within the  
9 United States which is used as a residence of such alien.”.

10 (b) CLERICAL AMENDMENT.—The table of sections  
11 for chapter 2 of the Truth in Lending Act is amended  
12 by inserting after the item relating to section 139 the fol-  
13 lowing new item:

“140. Mortgages prohibited for aliens residing in the United States unlawfully.”.

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