

The White House  
Office of the Press Secretary  
For Immediate Release  
January 25, 2017

## Executive Order: Border Security and Immigration Enforcement Improvements

*Annotated by the National Immigrant Justice Center*

### BORDER SECURITY AND IMMIGRATION ENFORCEMENT IMPROVEMENTS

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) (INA), the Secure Fence Act of 2006 (Public Law 109 367) (Secure Fence Act), and the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104 208 Div. C) (IIRIRA), and in order to ensure the safety and territorial integrity of the United States as well as to ensure that the Nation's immigration laws are faithfully executed, I hereby order as follows:

*As a prelude to the Purpose set forth below for this Order, we at the National Immigrant Justice Center (NIJC) are proud to share our purpose. We are honored to provide legal representation to hundreds of men, women, and children who have migrated to the United States, including many who have fled persecution and death. We are honored to get to know our clients and their families as they courageously rebuild their lives as Americans. Many of these men, women, and children came here as asylum seekers across our southern border. Today they are our family members, classmates, coworkers, and neighbors. The foundational premise of this Order – which smears refugees and asylum seekers as threats – undermines our country's identity as a nation of immigrants and beacon of hope for the persecuted.*

Section 1. Purpose. Border security is critically important to the national security of the United States. Aliens who illegally enter the United States without inspection or admission present a significant threat to national security and public safety. Such aliens have not been identified or inspected by Federal immigration officers to determine their admissibility to the United States. The recent surge of illegal immigration at the southern border with Mexico has placed a significant strain on Federal resources and overwhelmed agencies charged with border security and immigration enforcement, as well as the local communities into which many of the aliens are placed.

*It's important to protect public safety and national security. That's why groups like NIJC think it would be wiser to have a rational immigration system that channels immigrants through lawful mechanisms. But the premise that the human beings seeking to enter the U.S. along the southern border are threats to national security and public safety is erroneous. Furthermore, the president should not purport to speak for local border communities, many of whom have welcomed refugees with open arms. [Read this news story](#), for example, about the beautiful welcome asylum seeking families received in San Antonio, Texas.*

*A very large percentage of the men, women, and children arriving at the border are indeed refugees fleeing persecution. In Department of Homeland (DHS) Security Secretary John Kelly's [confirmation hearings before the Senate](#), he shared his confidence that "people that are coming up here from Central America" are fleeing "some of the most dangerous countries on the planet." The American Immigration Council has published the [remarkable findings of a large survey of these migrants](#), finding their decisions to migrate to the United States driven primarily by their past experiences of crime and violence, not U.S. immigration policies.*

*Consider the story of [NIJC client Maria](#), who fled Central America with her son after they received death threats from a gang. After presenting themselves at the border and enduring months in detention, Maria and her son were granted asylum.*

*Facts matter. The president fundamentally misunderstands the situation on the border when he refers to "the recent surge of illegal immigration at the southern border with Mexico..." In his [cabinet-level exit memo, outgoing DHS Security Jeh Johnson](#) stated that, "Today, it is now much harder to cross our southern border without authorization and avoid detection and apprehension. Apprehensions in recent years – a strong indicator of total attempts to cross the border – are much lower than they used to be. In FY 2016, total apprehensions by the Border Patrol on our southwest border, between ports of entry, numbered 408,870. This represents a fraction of the number of apprehensions routinely observed from the 1980s through 2008 (see below)."*

Transnational criminal organizations operate sophisticated drug- and human-trafficking networks and smuggling operations on both sides of the southern border, contributing to a significant increase in violent crime and United States deaths from dangerous drugs. Among those who illegally enter are those who seek to harm Americans through acts of terror or criminal conduct. Continued illegal immigration presents a clear and present danger to the interests of the United States.

*It's true there are dangerous cartels in Mexico and violent gangs in Central America. But many of the men, women, and children crossing the border are fleeing those same cartels*

and gangs. See the [American Immigration Council report findings](#) discussed above. Moreover, [immigrants are less likely to commit crimes than native-born Americans](#) and studies show that [a number of U.S. border cities](#) are among the safest in the United States. Rhetoric that conflates migration with criminality is rooted in fear, not reality.

Federal immigration law both imposes the responsibility and provides the means for the Federal Government, in cooperation with border States, to secure the Nation's southern border. Although Federal immigration law provides a robust framework for Federal-State partnership in enforcing our immigration laws and the Congress has authorized and provided appropriations to secure our borders the Federal Government has failed to discharge this basic sovereign responsibility. The purpose of this order is to direct executive departments and agencies (agencies) to deploy all lawful means to secure the Nation's southern border, to prevent further illegal immigration into the United States, and to repatriate illegal aliens swiftly, consistently, and humanely.

*This order says in one breath that it wants a "federal-state partnership" and in the next breath it states that states must do whatever the president says. Federal responsibility for immigration implies an obligation to develop a system that actually works for America and for Americans, one that is workable and enforceable.*

Sec. 2. Policy. It is the policy of the executive branch to:

(a) secure the southern border of the United States through the immediate construction of a physical wall on the southern border, monitored and supported by adequate personnel so as to prevent illegal immigration, drug and human trafficking, and acts of terrorism;

*The wall just makes no sense. [In the words of Seth Stoddard](#), a former high-ranking Department of Homeland Security official under Presidents Obama and Bush, the crisis on the southern border is "different from the one Trump thinks exists. It doesn't involve Mexican migrants, and a wall won't solve it. The actual crisis involves thousands of migrants from Central America's 'Northern Triangle' ... who are fleeing brutal gang violence, extreme poverty or malnutrition. Roughly half of these migrants are women and young children escaping desperate circumstances, facing the real possibility of death or rape if they stay.... We don't have a border security crisis or an uncontrolled flood of people coming from Mexico to take our jobs. Instead, we have a humanitarian crisis."*

(b) detain individuals apprehended on suspicion of violating Federal or State law, including Federal immigration law, pending further proceedings regarding those violations;

*More on this below, but the United States is already engaged in the mass detention of immigrants – as of the issuance of this Order, DHS’s Immigration and Customs Enforcement (ICE) detains more than 40,000 men, women and children in jails or jail-like facilities, many of which are located vast distances from access to legal representation.*

(c) expedite determinations of apprehended individuals' claims of eligibility to remain in the United States;

*This language is vague, but to the extent it refers to completing the entirety of one’s immigration court proceedings while detained, it is deeply flawed. While many asylum seekers languish in years-long immigration court backlogs under the current system, the answer is not to swing wildly to the other extreme. We should not force these complicated matters involving traumatized applicants and nuanced facts to be litigated at breakneck speed from remote detention facilities where access to counsel is limited or nonexistent. Recent efforts by the outgoing administration to expedite the case processing of mothers with children have already demonstrated the ways in which basic rights protections are undermined when we rush this legal process. Due process and our moral obligations require more.*

(d) remove promptly those individuals whose legal claims to remain in the United States have been lawfully rejected, after any appropriate civil or criminal sanctions have been imposed; and

*This is a thinly veiled threat to sanction failed asylum seekers and other immigrants who do not prevail in their efforts to win immigration relief. As Human Rights Watch and myriad other organizations have documented, the criminalization of migration creates unreasonable obstacles to protection for bona fide asylum seekers, in addition to coming at a steep financial cost to the taxpayer.*

(e) cooperate fully with States and local law enforcement in enacting Federal-State partnerships to enforce Federal immigration priorities, as well as State monitoring and detention programs that are consistent with Federal law and do not undermine Federal immigration priorities.

*Again, the president wants “cooperation” with states and localities, but only if they agree with the new priorities of this administration. The Constitution gives states the power to say no as well as yes. This principle is called anti-commandeering and was explained nicely by three law professors in a recent op-ed in the Washington Post.*

Sec. 3. Definitions. (a) "Asylum officer" has the meaning given the term in section 235(b)(1)(E) of the INA (8 U.S.C. 1225(b)(1)).

(b) "Southern border" shall mean the contiguous land border between the United States and Mexico, including all points of entry.

(c) "Border States" shall mean the States of the United States immediately adjacent to the contiguous land border between the United States and Mexico.

(d) Except as otherwise noted, "the Secretary" shall refer to the Secretary of Homeland Security.

(e) "Wall" shall mean a contiguous, physical wall or other similarly secure, contiguous, and impassable physical barrier.

(f) "Executive department" shall have the meaning given in section 101 of title 5, United States Code.

(g) "Regulations" shall mean any and all Federal rules, regulations, and directives lawfully promulgated by agencies.

(h) "Operational control" shall mean the prevention of all unlawful entries into the United States, including entries by terrorists, other unlawful aliens, instruments of terrorism, narcotics, and other contraband.

*This is unattainable and irresponsible policy making. Border policy needs to focus on safety – safety for Americans AND safety and compassion for the migrants regularly turning themselves into Border Patrol in their desperation to find protection. Check out [The Atlantic's heart-breaking photographic depiction](#) of what this really looks like on the southern border.*

Sec. 4. Physical Security of the Southern Border of the United States. The Secretary shall immediately take the following steps to obtain complete operational control, as determined by the Secretary, of the southern border:

(a) In accordance with existing law, including the Secure Fence Act and IIRIRA, take all appropriate steps to immediately plan, design, and construct a physical wall along the southern border, using appropriate materials and technology to most effectively achieve complete operational control of the southern border;

(b) Identify and, to the extent permitted by law, allocate all sources of Federal funds for the planning, designing, and constructing of a physical wall along the southern border;

(c) Project and develop long-term funding requirements for the wall, including preparing Congressional budget requests for the current and upcoming fiscal years; and

(d) Produce a comprehensive study of the security of the southern border, to be completed within 180 days of this order, that shall include the current state of southern border security, all geophysical and topographical aspects of the southern border, the availability of Federal and State resources necessary to achieve complete operational control of the southern border, and a strategy to obtain and maintain complete operational control of the southern border.

*After issuing this Order, the president shared with MSNBC his estimate that building this wall will cost \$8 billion. A study from MIT found that the costs would actually be as much as \$27 billion to \$40 billion. Mexico is not going to pay for it. What's more, this effort is superfluous. The border is already heavily militarized and has been for years, to the extent that it has been referred to as a "low-intensity war zone."*

Sec. 5. Detention Facilities. (a) The Secretary shall take all appropriate action and allocate all legally available resources to immediately construct, operate, control, or establish contracts to construct, operate, or control facilities to detain aliens at or near the land border with Mexico.

*ICE already maintains a vast and sprawling detention system that deprives more than 40,000 men, women, and children of their liberty on a daily basis without the capacity to provide for their basic safety, health, or due process rights. Monitoring organizations and civil society organizations including NIJC have documented the parade of horrors that occur inside the walls of these facilities, including deaths attributable to violations of ICE's own medical care standards, physical abuse, the excessive use of segregation, and failure to provide for basic health and sanitation needs. NIJC and our partners have long advocated for the use of alternatives to detention that are more appropriate for the civil context of removal proceedings and have proven effective in ensuring appearances at a drastically lower cost than detention. The ACLU recently enumerated the benefits, efficacy, and cost savings of community-supervised alternative to detention programs in its white paper on ICE's use of private prisons.*

*Late in 2016, NIJC joined more than 200 civil society organizations and a dozen former immigration judges in calling on former DHS Secretary Jeh Johnson to remedy the due process failings rampant in the system, but he took no action. The system President Trump has been handed, which he will use to carry out this Order, is sorely lacking in meaningful oversight and accountability measures.*

*But at least we all now understand why stock in private prison companies soared after Trump's election.*

(b) The Secretary shall take all appropriate action and allocate all legally available resources to immediately assign asylum officers to immigration detention facilities for the purpose of accepting asylum referrals and conducting credible fear determinations pursuant to section 235(b)(1) of the INA (8 U.S.C. 1225(b)(1)) and applicable regulations and reasonable fear determinations pursuant to applicable regulations.

*At present, U.S. Citizenship and Immigration Services (USCIS) is taking as many as five years to adjudicate pending asylum cases pending. Pulling asylum officers off the existing caseload will only exacerbate the existing dysfunction in the system.*

*Ahmed (pseudonym), one of NIJC's clients, fled religious persecution in Jordan after he converted to Christianity, but his wife and children were unable to leave with him. As he waited for his the Asylum Office to adjudicate his asylum application, it grew increasingly dangerous for his wife and children to remain in Jordan. More than one year after he filed for asylum, Ahmed continues to wait for the Asylum Office to adjudicate his case so he can petition for his wife and children to reunite with him and obtain safety.*

(c) The Attorney General shall take all appropriate action and allocate all legally available resources to immediately assign immigration judges to immigration detention facilities operated or controlled by the Secretary, or operated or controlled pursuant to contract by the Secretary, for the purpose of conducting proceedings authorized under title 8, chapter 12, subchapter II, United States Code.

*The backlog problem arises here as well. Immigration courts nationwide are so backlogged that some of them aren't even giving out new courts dates anymore; The New York Times has described the system as "crippled by delays and bureaucratic breakdowns." With the president's federal hiring freeze in place and ramped-up enforcement sending more noncitizens into the system, there is no relief in sight. Pulling judges from their courts and sending them to preside over cases in detention centers remedies nothing and, indeed, adds to the existing pandemonium.*

*Jean (pseudonym), an NIJC client, had to wait more than eight years for his asylum case to be adjudicated due to extensive immigration court backlogs in Chicago. By the time he was finally granted asylum in early 2017, his marriage had ended due to the long separation from his wife and his child had grown to a teenager.*

Sec. 6. Detention for Illegal Entry. The Secretary shall immediately take all appropriate actions to ensure the detention of aliens apprehended for violations of immigration law pending the outcome of their removal proceedings or their removal from the country to the extent permitted by law. The Secretary shall issue new policy guidance to all Department of Homeland Security personnel regarding the appropriate and consistent

use of lawful detention authority under the INA, including the termination of the practice commonly known as "catch and release," whereby aliens are routinely released in the United States shortly after their apprehension for violations of immigration law.

*On the one hand, this looks at first glance like business as usual. But note the phrases "pending the outcome of their removal proceedings" and "to the extent permitted by law." The president is basically ordering that noncitizens not be considered for release from detention except as required by statute (which means nobody). The phantom of "catch and release" is invoked to justify indefinite detention.*

*The president is doubling down on the policies that led [Central American mothers detained in Pennsylvania to embark on a hunger strike](#). The women stated their purpose as follows: "We left our homes in Central America to escape corruption, threats, and violence. We thought this country would help us, but now we are locked up with our children in a place where we feel threatened, including by some of the medical personnel, leaving us with no one to trust."*

Sec. 7. Return to Territory. The Secretary shall take appropriate action, consistent with the requirements of section 1232 of title 8, United States Code, to ensure that aliens described in section 235(b)(2)(C) of the INA (8 U.S.C. 1225(b)(2)(C)) are returned to the territory from which they came pending a formal removal proceeding.

*Immigration laws passed in 1996 do authorize the immigration authorities to return someone to a contiguous country (i.e., Mexico) pending removal proceedings. That provision hasn't been frequently used because it's complicated; for instance, it would require the use of immigration courtrooms in ports of entry. More than half the noncitizens seeking to enter the United States are not Mexicans. Sending them back to Mexico requires cooperation from Mexico. Does the president have a plan to get Mexico's cooperation for this effort?*

Sec. 8. Additional Border Patrol Agents. Subject to available appropriations, the Secretary, through the Commissioner of U.S. Customs and Border Protection, shall take all appropriate action to hire 5,000 additional Border Patrol agents, and all appropriate action to ensure that such agents enter on duty and are assigned to duty stations as soon as is practicable.

*Note that this document does not authorize the hiring of any new immigration judges to deal with all these supposedly expedited removal proceedings. See [The Guardian's reporting on this contradiction](#). As described above, our immigration courts are already in crisis, backlogged by more than 500,000 cases. The New York Times reporter Julia Preston described our immigration courts as ["a justice system in collapse."](#) Things are about to get a lot worse.*

Sec. 9. Foreign Aid Reporting Requirements. The head of each executive department and agency shall identify and quantify all sources of direct and indirect Federal aid or assistance to the Government of Mexico on an annual basis over the past five years, including all bilateral and multilateral development aid, economic assistance, humanitarian aid, and military aid. Within 30 days of the date of this order, the head of each executive department and agency shall submit this information to the Secretary of State. Within 60 days of the date of this order, the Secretary shall submit to the President a consolidated report reflecting the levels of such aid and assistance that has been provided annually, over each of the past five years.

Sec. 10. Federal-State Agreements. It is the policy of the executive branch to empower State and local law enforcement agencies across the country to perform the functions of an immigration officer in the interior of the United States to the maximum extent permitted by law.

*This is misguided. Immigration law is complex and determining the immigration status of any individual can be a difficult task, opening the door to massive liability for local law enforcement agencies acting as federal immigration agents. In Illinois in 2016, a [federal judge entered judgment for \\$20,000 to U.S. citizen who spent a week in immigration detention](#). What's more, assuming the role of a federal immigration enforcement officer poisons the relationship of local law enforcement with immigrant communities, making community policing even more difficult—if not impossible.*

(a) In furtherance of this policy, the Secretary shall immediately take appropriate action to engage with the Governors of the States, as well as local officials, for the purpose of preparing to enter into agreements under section 287(g) of the INA (8 U.S.C. 1357(g)).

*287(g) is the section of the Immigration and Nationality Act that permits local law enforcement agencies to enter into agreements to deputize their police officers to enforce federal immigration laws. It turns local jails into immigration detention centers. The program and its problems are described well by the American Immigration Council [here](#). Simply put, this program undermines the safety of the communities it claims to protect. 287(g) agreements, in operation, inevitably breed mistrust between communities and the police who strive to protect them. Investigations by the [DHS Office of the Inspector General](#) and [Government Accountability Office](#) have revealed the many ways in which 287(g) agreements result in racial profiling and other civil rights abuses. This is a program that should have been terminated years ago, not expanded.*

(b) To the extent permitted by law, and with the consent of State or local officials, as appropriate, the Secretary shall take appropriate action, through agreements under section 287(g) of the INA, or otherwise, to authorize State and local law enforcement officials, as the Secretary determines are qualified and appropriate, to perform the functions of immigration officers in relation to the investigation, apprehension, or detention of aliens in the United States under the direction and the supervision of the Secretary. Such authorization shall be in addition to, rather than in place of, Federal performance of these duties.

*See above. And don't forget: Section 287(g) makes it harder for police to do their job. The Major Cities Chiefs Police Association has formally [adopted the position that](#) state and local police involvement in enforcing immigration law undermines immigrant community trust and cooperation with police and significantly diverts resources from their core mission to create safe communities.*

(c) To the extent permitted by law, the Secretary may structure each agreement under section 287(g) of the INA in the manner that provides the most effective model for enforcing Federal immigration laws and obtaining operational control over the border for that jurisdiction.

Sec. 11. Parole, Asylum, and Removal. It is the policy of the executive branch to end the abuse of parole and asylum provisions currently used to prevent the lawful removal of removable aliens.

*We're not sure what abuse the president refers to here, or his sources for making such sweeping claims. But we are confident in our claim that the government abuses its power when it detains thousands of men, women, and children who are bona fide asylum seekers and for whom unnecessary detention causes irreversible psychological harm. Our sources are many and include, to name a few: [Human Rights First's recent report](#) on ICE's failure to use its discretion to release asylum seekers who pose no risk to the community; [Physicians for Human Rights' devastating report](#) on the ways in which immigration detention devastates the mental health of already traumatized asylum seekers; and the [ACLU's recent report on the use of private prisons](#) showing the skyrocketing numbers of asylum seekers currently in detention.*

(a) The Secretary shall immediately take all appropriate action to ensure that the parole and asylum provisions of Federal immigration law are not illegally exploited to prevent the removal of otherwise removable aliens.

*See above. Also take a look at the [2016 report of the United States Commission on International Religious Freedom](#), presenting the findings of a robust examination of the*

*existing expedited removal processing at our southern border. The findings are troubling, including reports of flawed or non-existent training modules and immigration officers who express hostility toward asylum claims.*

(b) The Secretary shall take all appropriate action, including by promulgating any appropriate regulations, to ensure that asylum referrals and credible fear determinations pursuant to section 235(b)(1) of the INA (8 U.S.C. 1125(b)(1)) and 8 CFR 208.30, and reasonable fear determinations pursuant to 8 CFR 208.31, are conducted in a manner consistent with the plain language of those provisions.

*For decades, Customs and Border Patrol has failed to actually give asylum seekers the process allowed under the expedited removal statute, a failure documented by the [report of the U.S. Commission on International Religious Freedom](#) described above. This is not what the president is getting at, of course, but it is the only plausible reading of this section of the Order that would put our nation in line with our domestic and international legal obligations, not to mention our moral obligations.*

(c) Pursuant to section 235(b)(1)(A)(iii)(I) of the INA, the Secretary shall take appropriate action to apply, in his sole and unreviewable discretion, the provisions of section 235(b)(1)(A)(i) and (ii) of the INA to the aliens designated under section 235(b)(1)(A)(iii)(II).

*It's hard to know exactly what this means. The section cited, INA § 235(b)(1)(A)(iii)(I), doesn't "designate" any noncitizen, it authorizes the secretary of DHS to do so. So technically the president instructed Secretary Kelly to apply the statute as he wishes. Is the president telling Secretary Kelly to expand expedited removal, in the secretary's sole discretion? According to [ICE's most recently available statistics](#), more than 80 percent of all individuals facing removal proceedings are already placed in fast-track proceedings. In its [report](#), the U.S. Commission on International Religious Freedom has joined the many voices ([here's another, for example](#)) cautioning that this mass expediting of removal proceedings threatens to undermine due process protections and send bona fide asylum seekers back to harm. Expanding this program would be irresponsible and cruel.*

(d) The Secretary shall take appropriate action to ensure that parole authority under section 212(d)(5) of the INA (8 U.S.C. 1182(d)(5)) is exercised only on a case-by-case basis in accordance with the plain language of the statute, and in all circumstances only when an individual demonstrates urgent humanitarian reasons or a significant public benefit derived from such parole.

*This seems to effectively overturn the longstanding policy of DHS to parole legitimate asylum seekers rather than detain them for the crime of seeking freedom. So many times at*

*NIJC we hear the shock of someone who fled persecution to come to the United States, seeing our country as a beacon for freedom, only to be locked up in a jail. Of course it also violates international law and the Refugee Convention to detain asylum seekers categorically, i.e., not based on the individual circumstances of the individual. It might help to recall that these treaty obligations arose after World War II because of the failure of so many governments to protect people being persecuted by the Nazi German regime. Never again, we said. We bound our country by solemn promise to protect legitimate asylum seekers. Our current president does not seem to know or care about that.*

(e) The Secretary shall take appropriate action to require that all Department of Homeland Security personnel are properly trained on the proper application of section 235 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232) and section 462(g)(2) of the Homeland Security Act of 2002 (6 U.S.C. 279(g)(2)), to ensure that unaccompanied alien children are properly processed, receive appropriate care and placement while in the custody of the Department of Homeland Security, and, when appropriate, are safely repatriated in accordance with law.

Sec. 12. Authorization to Enter Federal Lands. The Secretary, in conjunction with the Secretary of the Interior and any other heads of agencies as necessary, shall take all appropriate action to:

(a) permit all officers and employees of the United States, as well as all State and local officers as authorized by the Secretary, to have access to all Federal lands as necessary and appropriate to implement this order; and

(b) enable those officers and employees of the United States, as well as all State and local officers as authorized by the Secretary, to perform such actions on Federal lands as the Secretary deems necessary and appropriate to implement this order.

Sec. 13. Priority Enforcement. The Attorney General shall take all appropriate steps to establish prosecution guidelines and allocate appropriate resources to ensure that Federal prosecutors accord a high priority to prosecutions of offenses having a nexus to the southern border.

*It's hard to overstate the overly aggressive prosecution of immigration offenses already occurring every day in the United States. Prosecutions for illegal entry, illegal reentry and other immigration offenses made up 52 percent of all federal prosecutions in 2016, totaling 69,636 prosecutions. The criminal prosecution of asylum seekers violates U.S. obligations under international law.*

Sec. 14. Government Transparency. The Secretary shall, on a monthly basis and in a publicly available way, report statistical data on aliens apprehended at or near the southern border using a uniform method of reporting by all Department of Homeland Security components, in a format that is easily understandable by the public.

Sec. 15. Reporting. Except as otherwise provided in this order, the Secretary, within 90 days of the date of this order, and the Attorney General, within 180 days, shall each submit to the President a report on the progress of the directives contained in this order.

Sec. 16. Hiring. The Office of Personnel Management shall take appropriate action as may be necessary to facilitate hiring personnel to implement this order.

Sec. 17. General Provisions. (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

DONALD J. TRUMP

THE WHITE HOUSE,  
January 25, 2017.

*Questions about this document? Contact Heidi Altman, director of policy for NIJC, at [haltman@heartlandalliance.org](mailto:haltman@heartlandalliance.org).*