

# Legislative Summary

## **S. 534: The Immigration Rule of Law Act of 2015**

Introduced February 23, 2015

### **Section 1**—Short Title

[Immigration Rule of Law Act of 2015](#)

### **Section 2**—Prohibition on Funding for Certain Executive Actions Related to Immigration

#### [Defunds Executive Actions](#)

Prohibits any “funds, resources, or fees,” that are “made available” to the Secretary of the Department of Homeland Security (DHS) or any other federal agency official from being used to implement the policy changes outlined in the eleven memos issued by DHS on November 20 and November 21, 2014 (the “Johnson Memos”). Specifically mentioned are the fees from the “Immigration Examinations Fee Account” (which funds USCIS). It also prohibits funding for any “substantially similar” policy changes issued after Jan. 9, 2015, whether by memorandum, executive order, regulation, directive, or any other action.

- Section 2(a) of this bill contains the same language as the first paragraph of the [Aderholt Amendment](#) to H.R. 240, with a small exception. The difference is that the Aderholt amendment adds the phrase “by this Act or any other Act for any fiscal year” to describe how the funding is made available, but the meaning is not changed.
- It does *not* defund the Morton Memos, as H.R. 240 does in the Aderholt Amendment. Only the 11 memos from November 2014 are included.
- It does *not* defund the DACA program, as H.R. 240 does in the [Blackburn Amendment](#). DHS cannot only give renewals to present DACA beneficiaries, but can continue granting more DACA applications.

#### [Declares Executive Actions Void](#)

States that the defunded memos (the Johnson memos) or any substantially similar policy changes have no statutory or constitutional basis and therefore have no legal effect.

- This provision contains the same language as part (b) of the Aderholt Amendment.

#### [Prohibits Immigration Benefits](#)

No funds or fees “made available” to the DHS Secretary or any other official of a Federal agency may be used to grant any Federal benefit to any alien pursuant to the defunded memos (the Johnson Memos) or any substantially similar policy changes issued after Jan. 9, 2015.

- This section contains the same language as part (c) of the Aderholt Amendment, with the exception that the House bill also contains the words “by this Act or any other Act for any fiscal year” to describe the funds made available. The meaning is not changed.

**Section 3—Prohibition on Funding Certain Civil Immigration Enforcement Priorities**  
**Adds Certain Criminal Convictions to Enforcement Priorities**

Prohibits the DHS Secretary from using any funds or fees to carry out any policies relating to the apprehension, detention, or removal of aliens unless it adds aliens with certain criminal convictions to its highest civil immigration enforcement priorities. These convictions include: domestic violence, sexual abuse, child molestation, and child exploitation. This would mean the Administration cannot shield aliens with convictions for these offenses from deportation.

- This provision contains the same language as part (a) of the [DeSantis-Roby Amendment](#) to H.R. 240.

**Section 4—Findings and Sense of Congress on Policies that Disadvantage the Hiring of United States Citizens and Lawfully Present Aliens**

**Findings**

Congress finds that under the Affordable Care Act (“Obamacare”) U.S. employers must offer health insurance to all their employees who are U.S. citizens or legal aliens or pay a penalty of \$3,000 per employee per year. But they do not have to provide insurance, or in many cases pay a penalty, if they hire DACA beneficiaries.

**Sense of Congress**

Congress therefore believes this disparate treatment discourages hiring U.S. citizens and individuals with legal status, and the Executive Branch should refrain from policies that disadvantage citizens and legal aliens.

- This Section has the same language as the [Salmon Amendment](#) to H.R. 240.

**Section 5—Sense of Congress on Policies that Disadvantage Lawfully Present Aliens**

**Sense of Congress**

Congress believes that the Director of USCIS should not put the interests of illegal aliens ahead of those who follow the law by creating a backlog for the applications of legal aliens in order to spend time processing applications for benefits by illegal aliens. Congress believes it is “unfair” to use fees paid by legal aliens to cover the cost of adjudicating the applications of illegal aliens. USCIS should use its available funds to improve services for aliens who follow the law.

- This Section has the same language as the [Schock Amendment](#) to H.R. 240.